

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1640

96TH GENERAL ASSEMBLY

4924L.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 136.055, 144.010, 144.030, 301.010, 301.032, 301.069, 301.130, 301.140, 301.142, 301.160, 301.218, 301.280, 301.290, 301.300, 301.301, 301.302, 301.559, 301.560, 301.562, 301.567, 301.570, 302.132, 302.302, and 390.020, RSMo, and to enact in lieu thereof thirty-one new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 136.055, 144.010, 144.030, 301.010, 301.032, 301.069, 301.130, 2 301.140, 301.142, 301.160, 301.218, 301.280, 301.290, 301.300, 301.301, 301.302, 301.559, 3 301.560, 301.562, 301.567, 301.570, 302.132, 302.302, and 390.020, RSMo, are repealed and 4 thirty-one new sections enacted in lieu thereof, to be known as sections 136.055, 144.010, 5 144.030, 301.010, 301.032, 301.069, 301.130, 301.140, 301.142, 301.160, 301.216, 301.218, 6 301.280, 301.290, 301.300, 301.301, 301.302, 301.425, 301.559, 301.560, 301.562, 301.567, 7 301.570, 301.580, 302.132, 302.302, 302.800, 304.890, 304.892, 304.894, and 390.020, to read 8 as follows:

136.055. 1. Any person who is selected or appointed by the state director of revenue as 2 provided in subsection 2 of this section to act as an agent of the department of revenue, whose 3 duties shall be the processing of motor vehicle title and registration transactions and the 4 collection of sales and use taxes when required under sections 144.070 and 144.440, and who 5 receives no salary from the department of revenue, shall be authorized to collect from the party 6 requiring such services additional fees as compensation in full and for all services rendered on 7 the following basis:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 (1) For each motor vehicle or trailer registration issued, renewed or transferred--three
9 dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant
10 to section 301.147;

11 (2) For each application or transfer of title--two dollars and fifty cents;

12 (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's
13 license issued for a period of three years or less--two dollars and fifty cents and five dollars for
14 licenses or instruction permits issued or renewed for a period exceeding three years;

15 (4) For each notice of lien processed--two dollars and fifty cents;

16 (5) No notary fee or other fee or additional charge shall be paid or collected except for
17 electronic telephone transmission reception--two dollars.

18 2. The director of revenue shall award fee office contracts under this section through a
19 competitive bidding process. The competitive bidding process shall give priority to
20 organizations and entities **located within the community where the office will be established**
21 that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code
22 of 1986, as amended, and political subdivisions, including but not limited to, municipalities,
23 counties, and fire protection districts. **Any not-for-profit entity awarded a contract under**
24 **this section shall submit the most recent annual report, prior to February first of each year,**
25 **to the director of the department of revenue, which shall contain from the immediately**
26 **preceding year:**

27 (1) The net receipts of the fee office;

28 (2) An itemization of all expenditures and administrative fees paid including both
29 operating expenses and charitable contributions; and

30 (3) A list of all charities that benefit from the fees collected pursuant to this section.
31

32 **Any not-for-profit entity awarded a contract under this section shall prominently display**
33 **at their business location all charitable entities that will benefit from any fees collected**
34 **pursuant to this section.** The director of the department of revenue may promulgate rules and
35 regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule,
36 as that term is defined in section 536.010, that is created under the authority delegated in this
37 subsection shall become effective only if it complies with and is subject to all of the provisions
38 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
39 and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to
40 delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
41 then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009,
42 shall be invalid and void.

43 3. All fees collected by a tax-exempt organization may be retained and used by the
44 organization.

45 4. All fees charged shall not exceed those in this section. The fees imposed by this
46 section shall be collected by all permanent offices and all full-time or temporary offices
47 maintained by the department of revenue.

48 5. Any person acting as agent of the department of revenue for the sale and issuance of
49 registrations, licenses, and other documents related to motor vehicles shall have an insurable
50 interest in all license plates, licenses, tabs, forms and other documents held on behalf of the
51 department.

52 6. The fees authorized by this section shall not be collected by motor vehicle dealers
53 acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers
54 authorized to collect and remit sales tax under subsection 8 of section 144.070.

55 7. Notwithstanding any other provision of law to the contrary, the state auditor may audit
56 all records maintained and established by the fee office in the same manner as the auditor may
57 audit any agency of the state, and the department shall ensure that this audit requirement is a
58 necessary condition for the award of all fee office contracts. No confidential records shall be
59 divulged in such a way to reveal personally identifiable information.

 144.010. 1. The following words, terms, and phrases when used in sections 144.010 to
2 144.525 have the meanings ascribed to them in this section, except when the context indicates
3 a different meaning:

4 (1) "Admission" includes seats and tables, reserved or otherwise, and other similar
5 accommodations and charges made therefor and amount paid for admission, exclusive of any
6 admission tax imposed by the federal government or by sections 144.010 to 144.525;

7 (2) "Business" includes any activity engaged in by any person, or caused to be engaged
8 in by him, with the object of gain, benefit or advantage, either direct or indirect, and the
9 classification of which business is of such character as to be subject to the terms of sections
10 144.010 to 144.525. The isolated or occasional sale of tangible personal property, service,
11 substance, or thing, by a person not engaged in such business, does not constitute engaging in
12 business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross
13 receipts from such sales, exclusive of receipts from the sale of tangible personal property by
14 persons which property is sold in the course of the partial or complete liquidation of a household,
15 farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The
16 provisions of this subdivision shall not be construed to make any sale of property which is
17 exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

18 (3) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge,
19 northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer,

20 captive elk, and captive furbearers held under permit issued by the Missouri department of
21 conservation for hunting purposes. The provisions of this subdivision shall not apply to sales
22 tax on a harvested animal;

23 (4) "Gross receipts", except as provided in section 144.012, means the total amount of
24 the sale price of the sales at retail including any services other than charges incident to the
25 extension of credit that are a part of such sales made by the businesses herein referred to, capable
26 of being valued in money, whether received in money or otherwise; except that, the term "gross
27 receipts" shall not include the sale price of property returned by customers when the full sale
28 price thereof is refunded either in cash or by credit. In determining any tax due under sections
29 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be
30 specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the
31 sale price above mentioned shall be deemed to be the amount received. It shall also include the
32 lease or rental consideration where the right to continuous possession or use of any article of
33 tangible personal property is granted under a lease or contract and such transfer of possession
34 would be taxable if outright sale were made and, in such cases, the same shall be taxable as if
35 outright sale were made and considered as a sale of such article, and the tax shall be computed
36 and paid by the lessee upon the rentals paid;

37 (5) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to,
38 ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk
39 documented as obtained from a legal source and not from the wild, goats, horses, other equine,
40 or rabbits raised in confinement for human consumption;

41 (6) "Motor vehicle leasing company" shall be a company obtaining a permit from the
42 director of revenue to operate as a motor vehicle leasing company. Not all persons renting or
43 leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to
44 obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section
45 144.070, as hereinafter provided;

46 (7) "Person" includes any individual, firm, copartnership, joint adventure, association,
47 corporation, municipal or private, and whether organized for profit or not, state, county, political
48 subdivision, state department, commission, board, bureau or agency, except the state
49 transportation department, estate, trust, business trust, receiver or trustee appointed by the state
50 or federal court, syndicate, or any other group or combination acting as a unit, and the plural as
51 well as the singular number;

52 (8) "Purchaser" means a person who purchases tangible personal property or to whom
53 are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

54 (9) "Research or experimentation activities" are the development of an experimental or
55 pilot model, plant process, formula, invention or similar property, and the improvement of

56 existing property of such type. Research or experimentation activities do not include activities
57 such as ordinary testing or inspection of materials or products for quality control, efficiency
58 surveys, advertising promotions or research in connection with literary, historical or similar
59 projects;

60 (10) "Sale" or "sales" includes installment and credit sales, and the exchange of
61 properties as well as the sale thereof for money, every closed transaction constituting a sale, and
62 means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means
63 whatsoever, of tangible personal property for valuable consideration and the rendering,
64 furnishing or selling for a valuable consideration any of the substances, things and services
65 herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

66 (11) "Sale at retail" means any transfer made by any person engaged in business as
67 defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use
68 or consumption and not for resale in any form as tangible personal property, for a valuable
69 consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed
70 thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists,
71 optometrists and veterinarians and used in the practice of their professions shall be deemed to
72 be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts,
73 computer output or microfilm or microfiche and computer-assisted photo compositions to a
74 purchaser to enable the purchaser to obtain for his or her own use the desired information
75 contained in such computer printouts, computer output on microfilm or microfiche and
76 computer-assisted photo compositions shall be considered as the sale of a service and not as the
77 sale of tangible personal property. Where necessary to conform to the context of sections
78 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to
79 embrace:

80 (a) Sales of admission tickets, cash admissions, charges and fees to or in places of
81 amusement, entertainment and recreation, games and athletic events;

82 (b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic,
83 commercial or industrial consumers;

84 (c) Sales of local and long distance telecommunications service to telecommunications
85 subscribers and to others through equipment of telecommunications subscribers for the
86 transmission of messages and conversations, and the sale, rental or leasing of all equipment or
87 services pertaining or incidental thereto;

88 (d) Sales of service for transmission of messages by telegraph companies;

89 (e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern,
90 inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in
91 which rooms, meals or drinks are regularly served to the public;

92 (f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express
93 car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and
94 railroad safety of the department of economic development of Missouri, engaged in the
95 transportation of persons for hire;

96 **(g) Registration with the director of revenue of motor vehicles, trailers, boats and**
97 **outboard motors, regardless of whether the sale took place in this state;**

98 (12) "Seller" means a person selling or furnishing tangible personal property or rendering
99 services, on the receipts from which a tax is imposed pursuant to section 144.020;

100 (13) The noun "tax" means either the tax payable by the purchaser of a commodity or
101 service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities
102 or services during the period for which he or she is required to report his or her collections, as
103 the context may require;

104 (14) "Telecommunications service", for the purpose of this chapter, the transmission of
105 information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar
106 means. As used in this definition, "information" means knowledge or intelligence represented
107 by any form of writing, signs, signals, pictures, sounds, or any other symbols.
108 Telecommunications service does not include the following if such services are separately stated
109 on the customer's bill or on records of the seller maintained in the ordinary course of business:

110 (a) Access to the internet, access to interactive computer services or electronic publishing
111 services, except the amount paid for the telecommunications service used to provide such access;

112 (b) Answering services and one-way paging services;

113 (c) Private mobile radio services which are not two-way commercial mobile radio
114 services such as wireless telephone, personal communications services or enhanced specialized
115 mobile radio services as defined pursuant to federal law; or

116 (d) Cable or satellite television or music services; and

117 (15) "Product which is intended to be sold ultimately for final use or consumption"
118 means tangible personal property, or any service that is subject to state or local sales or use taxes,
119 or any tax that is substantially equivalent thereto, in this state or any other state.

120 2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other
121 provisions of law pertaining to sales or use taxes which incorporate the provisions of sections
122 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning
123 given it in section 700.010.

124 3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

144.030. 1. There is hereby specifically exempted from the provisions of sections
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and

4 any other state of the United States, or between this state and any foreign country, and any retail
5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws
6 of the United States of America, and such retail sales of tangible personal property which the
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the
8 constitution of this state.

9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to
11 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local
12 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and
13 144.600 to 144.745:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be
16 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310) which are to be used in connection with the
23 growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,
29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, [motor vehicles,] watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;

38 **(4) Materials, replacement parts, and equipment purchased for use directly upon,**
39 **and for the repair and maintenance or manufacture of motor vehicles used by motor**

40 **carriers in the transportation of persons or property. For purposes of this subdivision, the**
41 **terms "motor vehicles" and "motor carriers" shall have the meanings ascribed to them in**
42 **section 390.020;**

43 **(5)** Replacement machinery, equipment, and parts and the materials and supplies solely
44 required for the installation or construction of such replacement machinery, equipment, and
45 parts, used directly in manufacturing, mining, fabricating or producing a product which is
46 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
47 the materials and supplies required solely for the operation, installation or construction of such
48 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
49 material recovery processing plants in this state. For the purposes of this subdivision, a "material
50 recovery processing plant" means a facility that has as its primary purpose the recovery of
51 materials into a useable product or a different form which is used in producing a new product and
52 shall include a facility or equipment which are used exclusively for the collection of recovered
53 materials for delivery to a material recovery processing plant but shall not include motor vehicles
54 used on highways. For purposes of this section, the terms motor vehicle and highway shall have
55 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials
56 within a manufacturing process or the use of a product previously recovered. The material
57 recovery processing plant shall qualify under the provisions of this section regardless of
58 ownership of the material being recovered;

59 **[(5)] (6)** Machinery and equipment, and parts and the materials and supplies solely
60 required for the installation or construction of such machinery and equipment, purchased and
61 used to establish new or to expand existing manufacturing, mining or fabricating plants in the
62 state, **including any titled manufacturing or mining equipment**, if such machinery and
63 equipment is used directly in manufacturing, mining or fabricating a product which is intended
64 to be sold ultimately for final use or consumption;

65 **[(6)] (7)** Tangible personal property which is used exclusively in the manufacturing,
66 processing, modification or assembling of products sold to the United States government or to
67 any agency of the United States government;

68 **[(7)] (8)** Animals or poultry used for breeding or feeding purposes, or captive wildlife;

69 **[(8)] (9)** Newsprint, ink, computers, photosensitive paper and film, toner, printing plates
70 and other machinery, equipment, replacement parts and supplies used in producing newspapers
71 published for dissemination of news to the general public;

72 **[(9)] (10)** The rentals of films, records or any type of sound or picture transcriptions for
73 public commercial display;

74 **[(10)] (11)** Pumping machinery and equipment used to propel products delivered by
75 pipelines engaged as common carriers;

76 [(11)] **(12)** Railroad rolling stock for use in transporting persons or property in interstate
77 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
78 more or trailers used by [common] **motor** carriers, as defined in section 390.020, in the
79 transportation of persons or property;

80 [(12)] **(13)** Electrical energy used in the actual primary manufacture, processing,
81 compounding, mining or producing of a product, or electrical energy used in the actual secondary
82 processing or fabricating of the product, or a material recovery processing plant as defined in
83 subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost
84 of electrical energy so used exceeds ten percent of the total cost of production, either primary or
85 secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such
86 processing contain at least twenty-five percent recovered materials as defined in section 260.200.
87 There shall be a rebuttable presumption that the raw materials used in the primary manufacture
88 of automobiles contain at least twenty-five percent recovered materials. For purposes of this
89 subdivision, "processing" means any mode of treatment, act or series of acts performed upon
90 materials to transform and reduce them to a different state or thing, including treatment necessary
91 to maintain or preserve such processing by the producer at the production facility;

92 [(13)] **(14)** Anodes which are used or consumed in manufacturing, processing,
93 compounding, mining, producing or fabricating and which have a useful life of less than one
94 year;

95 [(14)] **(15)** Machinery, equipment, appliances and devices purchased or leased and used
96 solely for the purpose of preventing, abating or monitoring air pollution, and materials and
97 supplies solely required for the installation, construction or reconstruction of such machinery,
98 equipment, appliances and devices;

99 [(15)] **(16)** Machinery, equipment, appliances and devices purchased or leased and used
100 solely for the purpose of preventing, abating or monitoring water pollution, and materials and
101 supplies solely required for the installation, construction or reconstruction of such machinery,
102 equipment, appliances and devices;

103 [(16)] **(17)** Tangible personal property purchased by a rural water district;

104 [(17)] **(18)** All amounts paid or charged for admission or participation or other fees paid
105 by or other charges to individuals in or for any place of amusement, entertainment or recreation,
106 games or athletic events, including museums, fairs, zoos and planetariums, owned or operated
107 by a municipality or other political subdivision where all the proceeds derived therefrom benefit
108 the municipality or other political subdivision and do not inure to any private person, firm, or
109 corporation;

110 [(18)] **(19)** All sales of insulin and prosthetic or orthopedic devices as defined on January
111 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of

112 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
113 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
114 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
115 administer those items, including samples and materials used to manufacture samples which may
116 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of
117 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and
118 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille
119 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with
120 one or more physical or mental disabilities to enable them to function more independently, all
121 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic
122 alternative and augmentative communication devices, and items used solely to modify motor
123 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of
124 over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by
125 the Food and Drug Administration to meet the over-the-counter drug product labeling
126 requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner
127 licensed to prescribe;

128 [(19)] **(20)** All sales made by or to religious and charitable organizations and institutions
129 in their religious, charitable or educational functions and activities and all sales made by or to
130 all elementary and secondary schools operated at public expense in their educational functions
131 and activities;

132 [(20)] **(21)** All sales of aircraft to common carriers for storage or for use in interstate
133 commerce and all sales made by or to not-for-profit civic, social, service or fraternal
134 organizations, including fraternal organizations which have been declared tax-exempt
135 organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as
136 amended, in their civic or charitable functions and activities and all sales made to eleemosynary
137 and penal institutions and industries of the state, and all sales made to any private not-for-profit
138 institution of higher education not otherwise excluded pursuant to subdivision (19) of this
139 subsection or any institution of higher education supported by public funds, and all sales made
140 to a state relief agency in the exercise of relief functions and activities;

141 [(21)] **(22)** All ticket sales made by benevolent, scientific and educational associations
142 which are formed to foster, encourage, and promote progress and improvement in the science of
143 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
144 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
145 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
146 fair conducted by a county agricultural and mechanical society organized and operated pursuant
147 to sections 262.290 to 262.530;

148 [(22)] **(23)** All sales made to any private not-for-profit elementary or secondary school,
149 all sales of feed additives, medications or vaccines administered to livestock or poultry in the
150 production of food or fiber, all sales of pesticides used in the production of crops, livestock or
151 poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for
152 food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for
153 drying agricultural crops, natural gas used in the primary manufacture or processing of fuel
154 ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible
155 new generation cooperative or an eligible new generation processing entity as defined in section
156 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and
157 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed
158 additives" means tangible personal property which, when mixed with feed for livestock or
159 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term
160 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted
161 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark
162 the application of pesticides and herbicides for the production of crops, livestock or poultry. As
163 used in this subdivision, the term "farm machinery and equipment" means new or used farm
164 tractors and such other new or used farm machinery and equipment and repair or replacement
165 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary
166 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,
167 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,
168 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and
169 one-half of each purchaser's purchase of diesel fuel therefor which is:

- 170 (a) Used exclusively for agricultural purposes;
171 (b) Used on land owned or leased for the purpose of producing farm products; and
172 (c) Used directly in producing farm products to be sold ultimately in processed form or
173 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
174 ultimately in processed form at retail;

175 [(23)] **(24)** Except as otherwise provided in section 144.032, all sales of metered water
176 service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home
177 heating oil for domestic use and in any city not within a county, all sales of metered or unmetered
178 water service for domestic use:

- 179 (a) "Domestic use" means that portion of metered water service, electricity, electrical
180 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not
181 within a county, metered or unmetered water service, which an individual occupant of a
182 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility
183 service through a single or master meter for residential apartments or condominiums, including

184 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.
185 Each seller shall establish and maintain a system whereby individual purchases are determined
186 as exempt or nonexempt;

187 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
188 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
189 with and approved by the Missouri public service commission. Sales and purchases made
190 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
191 of the occupants of residential apartments or condominiums through a single or master meter,
192 including service for common areas and facilities and vacant units, shall be considered as sales
193 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
194 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
195 service rate classification and the provision of service thereunder shall be conclusive as to
196 whether or not the utility must charge sales tax;

197 (c) Each person making domestic use purchases of services or property and who uses any
198 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
199 of the fourth month following the year of purchase, and without assessment, notice or demand,
200 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
201 nondomestic purchases of services or property and who uses any portion of the services or
202 property so purchased for domestic use, and each person making domestic purchases on behalf
203 of occupants of residential apartments or condominiums through a single or master meter,
204 including service for common areas and facilities and vacant units, under a nonresidential utility
205 service rate classification may, between the first day of the first month and the fifteenth day of
206 the fourth month following the year of purchase, apply for credit or refund to the director of
207 revenue and the director shall give credit or make refund for taxes paid on the domestic use
208 portion of the purchase. The person making such purchases on behalf of occupants of residential
209 apartments or condominiums shall have standing to apply to the director of revenue for such
210 credit or refund;

211 [(24)] **(25)** All sales of handicraft items made by the seller or the seller's spouse if the
212 seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from
213 such sales do not constitute a majority of the annual gross income of the seller;

214 [(25)] **(26)** Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061,
215 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The
216 director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local
217 sales taxes on such excise taxes;

218 [(26)] **(27)** Sales of fuel consumed or used in the operation of ships, barges, or
219 waterborne vessels which are used primarily in or for the transportation of property or cargo, or

220 the conveyance of persons for hire, on navigable rivers bordering on or located in part in this
221 state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel
222 while it is afloat upon such river;

223 [(27)] **(28)** All sales made to an interstate compact agency created pursuant to sections
224 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities
225 of such agency as provided pursuant to the compact;

226 [(28)] **(29)** Computers, computer software and computer security systems purchased for
227 use by architectural or engineering firms headquartered in this state. For the purposes of this
228 subdivision, "headquartered in this state" means the office for the administrative management
229 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

230 [(29)] **(30)** All livestock sales when either the seller is engaged in the growing, producing
231 or feeding of such livestock, or the seller is engaged in the business of buying and selling,
232 bartering or leasing of such livestock;

233 [(30)] **(31)** All sales of barges which are to be used primarily in the transportation of
234 property or cargo on interstate waterways;

235 [(31)] **(32)** Electrical energy or gas, whether natural, artificial or propane, water, or other
236 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
237 products or in any material recovery processing plant as defined in subdivision (4) of this
238 subsection;

239 [(32)] **(33)** Notwithstanding other provisions of law to the contrary, all sales of pesticides
240 or herbicides used in the production of crops, aquaculture, livestock or poultry;

241 [(33)] **(34)** Tangible personal property and utilities purchased for use or consumption
242 directly or exclusively in the research and development of agricultural/biotechnology and plant
243 genomics products and prescription pharmaceuticals consumed by humans or animals;

244 [(34)] **(35)** All sales of grain bins for storage of grain for resale;

245 [(35)] **(36)** All sales of feed which are developed for and used in the feeding of pets
246 owned by a commercial breeder when such sales are made to a commercial breeder, as defined
247 in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

248 [(36)] **(37)** All purchases by a contractor on behalf of an entity located in another state,
249 provided that the entity is authorized to issue a certificate of exemption for purchases to a
250 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
251 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
252 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
253 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
254 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
255 exempt entity to the contractor is later determined by the director of revenue to be invalid for any

reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

[(37)] **(38)** All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

[(38)] **(39)** Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

[(39)] **(40)** All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

[(40)] **(41)** Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

[(41)] **(42)** Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event.

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with

6 a seat designed to be straddled by the operator, or with a seat designed to carry more than one
7 person, and handlebars for steering control;

8 (2) "Automobile transporter", any vehicle combination designed and used specifically
9 for the transport of assembled motor vehicles;

10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
11 included between two parallel transverse vertical planes forty inches apart, extending across the
12 full width of the vehicle;

13 (4) "Boat transporter", any vehicle combination designed and used specifically to
14 transport assembled boats and boat hulls;

15 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
16 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
17 or painting;

18 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
19 passengers but not including shuttle buses;

20 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
21 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
22 buses;

23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
24 speeds less than forty miles per hour from field to field or from field to market and return;

25 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
26 the sale or exchange of new, used or reconstructed motor vehicles or trailers;

27 (10) "Director" or "director of revenue", the director of the department of revenue;

28 (11) "Driveaway operation":

29 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than
30 a dealer over any public highway, under its own power singly, or in a fixed combination of two
31 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

32 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
33 the commodity being transported, by a person engaged in the business of furnishing drivers and
34 operators for the purpose of transporting vehicles in transit from one place to another by the
35 driveaway or towaway methods; or

36 (c) The movement of a motor vehicle by any person who is lawfully engaged in the
37 business of transporting or delivering vehicles that are not the person's own and vehicles of a
38 type otherwise required to be registered, by the driveaway or towaway methods, from a point of
39 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent
40 of a manufacturer or to any consignee designated by the shipper or consignor;

- 41 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
42 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
43 equipped with a dromedary may carry part of a load when operating independently or in a
44 combination with a semitrailer;
- 45 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 46 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 47 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 48 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
49 vehicle in a saddlemount combination;
- 50 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
51 the weight of any load thereon;
- 52 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
53 result of the impact of hail;
- 54 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads
55 and public streets, avenues, boulevards, parkways or alleys in any municipality;
- 56 (20) "Improved highway", a highway which has been paved with gravel, macadam,
57 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;
- 58 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
59 the same;
- 60 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways
61 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;
- 62 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally
63 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
64 an authorized manufacturer and accompanied by a manufacturer's statement of origin;
- 65 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire
66 commercial motor vehicle the operation of which is confined to:
- 67 (a) An area that extends not more than a radius of one hundred miles from its home base
68 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
69 from projects involving soil and water conservation, or to and from equipment dealers'
70 maintenance facilities for maintenance purposes; or
- 71 (b) An area that extends not more than a radius of fifty miles from its home base of
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
73 projects not involving soil and water conservation. Nothing in this subdivision shall be
74 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
75 local commercial motor vehicle;

76 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
77 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
78 or a commercial motor vehicle whose property-carrying operations are confined solely to the
79 transportation of property owned by any person who is the owner or operator of such vehicle to
80 or from a farm owned by such person or under the person's control by virtue of a landlord and
81 tenant lease; provided that any such property transported to any such farm is for use in the
82 operation of such farm;

83 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
84 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
85 state, used to transport harvested forest products, operated solely at a forested site and in an area
86 extending not more than a one hundred-mile radius from such site, carries a load with
87 dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when
88 operated on the national system of interstate and defense highways described in Title 23, Section
89 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section
90 304.180, does not have more than four axles, and does not pull a trailer which has more than two
91 axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimbing,
92 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local
93 log truck. A local log truck may not exceed the limits required by law, however, if the truck does
94 exceed such limits as determined by the inspecting officer, then notwithstanding any other
95 provisions of law to the contrary, such truck shall be subject to the weight limits required by such
96 sections as licensed for eighty thousand pounds;

97 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
98 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
99 state, used to transport harvested forest products, operated solely at a forested site and in an area
100 extending not more than a one hundred-mile radius from such site, operates with a weight not
101 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
102 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
103 system of interstate and defense highways described in Title 23, Section 103(e) of the United
104 States Code, such vehicle does not exceed the weight limits contained in section 304.180, and
105 does not have more than three axles and does not pull a trailer which has more than two axles.
106 Violations of axle weight limitations shall be subject to the load limit penalty as described for
107 in sections 304.180 to 304.220;

108 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal
109 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
110 section 390.020, adjacent thereto, forming a part of a public transportation system within such
111 municipal corporation and such municipal corporation and adjacent commercial zone;

112 (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and
113 is used exclusively to transport harvested forest products to and from forested sites which is
114 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this
115 state for the transportation of harvested forest products;

116 (30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly,
117 and front clip, as those terms are defined by the director of revenue pursuant to rules and
118 regulations or by illustrations;

119 (31) "Manufacturer", any person, firm, corporation or association engaged in the
120 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

121 (32) ["Mobile scrap processor", a business located in Missouri or any other state that
122 comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder
123 or scrap metal operator for recycling;

124 (33)] "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
125 receives a new, rebuilt or used engine, and which used the number stamped on the original
126 engine as the vehicle identification number;

127 [(34)] (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon
128 tracks, except farm tractors;

129 [(35)] (34) "Motor vehicle primarily for business use", any vehicle other than a
130 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed
131 for over twelve thousand pounds:

132 (a) Offered for hire or lease; or

133 (b) The owner of which also owns ten or more such motor vehicles;

134 [(36)] (35) "Motorcycle", a motor vehicle operated on two wheels;

135 [(37)] (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an
136 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic
137 centimeters, which produces less than three gross brake horsepower, and is capable of propelling
138 the device at a maximum speed of not more than thirty miles per hour on level ground;

139 [(38)] (37) "Motortricycle", a motor vehicle operated on three wheels, including a
140 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of
141 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

142 [(39)] (38) "Municipality", any city, town or village, whether incorporated or not;

143 [(40)] (39) "Nonresident", a resident of a state or country other than the state of Missouri;

144 [(41)] (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured
145 in compliance with United States emissions or safety standards;

146 [(42)] (41) "Operator", any person who operates or drives a motor vehicle;

147 [(43)] **(42)** "Owner", any person, firm, corporation or association, who holds the legal
148 title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale
149 or lease thereof with the right of purchase upon performance of the conditions stated in the
150 agreement and with an immediate right of possession vested in the conditional vendee or lessee,
151 or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee
152 or lessee or mortgagor shall be deemed the owner for the purpose of this law;

153 [(44)] **(43)** "Public garage", a place of business where motor vehicles are housed, stored,
154 repaired, reconstructed or repainted for persons other than the owners or operators of such place
155 of business;

156 [(45)] **(44)** "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
157 rebuilder, but does not include certificated common or contract carriers of persons or property;

158 [(46)] **(45)** "Reconstructed motor vehicle", a vehicle that is altered from its original
159 construction by the addition or substitution of two or more new or used major component parts,
160 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

161 [(47)] **(46)** "Recreational motor vehicle", any motor vehicle designed, constructed or
162 substantially modified so that it may be used and is used for the purposes of temporary housing
163 quarters, including therein sleeping and eating facilities which are either permanently attached
164 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
165 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
166 vehicle if the motor vehicle could otherwise be so registered;

167 [(48)] **(47)** "Recreational off-highway vehicle", any motorized vehicle manufactured and
168 used exclusively for off-highway use which is [sixty] **sixty-four** inches or less in width, with an
169 unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or more
170 nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to ATV
171 trails;

172 [(49)] **(48)** "Rollback or car carrier", any vehicle specifically designed to transport
173 wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected
174 to a wrecker or towing service;

175 [(50)] **(49)** "Saddlemount combination", a combination of vehicles in which a truck or
176 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame
177 or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front
178 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a
179 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination
180 is called a "double saddlemount combination". When three vehicles are towed in this manner,
181 the combination is called a "triple saddlemount combination";

182 [(51)] **(50)** "Salvage dealer and dismantler", a business that dismantles used motor
183 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and
184 accessories;

185 [(52)] **(51)** "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

186 (a) Was damaged during a year that is no more than six years after the manufacturer's
187 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
188 reconstruct the vehicle to its condition immediately before it was damaged for legal operation
189 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
190 immediately preceding the time it was damaged;

191 (b) By reason of condition or circumstance, has been declared salvage, either by its
192 owner, or by a person, firm, corporation, or other legal entity exercising the right of security
193 interest in it;

194 (c) Has been declared salvage by an insurance company as a result of settlement of a
195 claim;

196 (d) Ownership of which is evidenced by a salvage title; or

197 (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157
198 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild
199 or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling
200 inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on
201 parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair
202 market value" means the retail value of a motor vehicle as:

203 a. Set forth in a current edition of any nationally recognized compilation of retail values,
204 including automated databases, or from publications commonly used by the automotive and
205 insurance industries to establish the values of motor vehicles;

206 b. Determined pursuant to a market survey of comparable vehicles with regard to
207 condition and equipment; and

208 c. Determined by an insurance company using any other procedure recognized by the
209 insurance industry, including market surveys, that is applied by the company in a uniform
210 manner;

211 [(53)] **(52)** "School bus", any motor vehicle used solely to transport students to or from
212 school or to transport students to or from any place for educational purposes;

213 **(53) "Scrap processor", a business that, through the use of fixed or mobile**
214 **equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for**
215 **processing or transportation to a shredder or scrap metal operator for recycling;**

216 (54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
217 corporation as an incidental service to transport patrons or customers of the regular business of

218 such person, firm, or corporation to and from the place of business of the person, firm, or
219 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
220 buses or as commercial motor vehicles;

221 (55) "Special mobile equipment", every self-propelled vehicle not designed or used
222 primarily for the transportation of persons or property and incidentally operated or moved over
223 the highways, including farm equipment, implements of husbandry, road construction or
224 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
225 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
226 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
227 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
228 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
229 shall not operate to exclude other such vehicles which are within the general terms of this
230 section;

231 (56) "Specially constructed motor vehicle", a motor vehicle which shall not have been
232 originally constructed under a distinctive name, make, model or type by a manufacturer of motor
233 vehicles. The term specially constructed motor vehicle includes kit vehicles;

234 (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel
235 is located on a drop frame located behind and below the rearmost axle of the power unit;

236 (58) "Tandem axle", a group of two or more axles, arranged one behind another, the
237 distance between the extremes of which is more than forty inches and not more than ninety-six
238 inches apart;

239 (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed
240 for drawing other vehicles, but not for the carriage of any load when operating independently.
241 When attached to a semitrailer, it supports a part of the weight thereof;

242 (60) "Trailer", any vehicle without motive power designed for carrying property or
243 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
244 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
245 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
246 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
247 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
248 as defined in section 700.010;

249 (61) "Truck", a motor vehicle designed, used, or maintained for the transportation of
250 property;

251 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
252 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
253 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second

254 semitrailer and has one less articulation point than the conventional A-dolly connected
255 truck-tractor semitrailer-trailer combination;

256 (63) "Truck-trailer boat transporter combination", a boat transporter combination
257 consisting of a straight truck towing a trailer using typically a ball and socket connection with
258 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
259 trailer but so as to maintain a downward force on the trailer tongue;

260 (64) "Used parts dealer", a business that buys and sells used motor vehicle parts or
261 accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
262 "Business" does not include isolated sales at a swap meet of less than three days;

263 (65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for
264 off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one
265 thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily
266 for landscaping, lawn care, or maintenance purposes;

267 (66) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
268 firm, corporation, association, city, county or state agency, or any member thereof, for the
269 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
270 and from their place of employment; however, a vanpool shall not be included in the definition
271 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this
272 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
273 [302.010] **303.020**; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
274 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
275 monetary profit other than for use in a ride-sharing arrangement;

276 (67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
277 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
278 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
279 operated by handicapped persons;

280 (68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed
281 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a
282 highway, road, street or highway rights-of-way to a point of storage or repair, including towing
283 a replacement vehicle to replace a disabled or wrecked vehicle;

284 (69) "Wrecker or towing service", the act of transporting, towing or recovering with a
285 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
286 tow truck, rollback or car carrier for which the operator directly or indirectly receives
287 compensation or other personal gain.

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the
2 contrary, the director of revenue shall establish a system of registration of all fleet vehicles

3 owned or purchased by a fleet owner registered pursuant to this section. The director of revenue
4 shall prescribe the forms for such fleet registration and the forms and procedures for the
5 registration updates prescribed in this section. Any owner of ten or more motor vehicles which
6 must be registered in accordance with this chapter may register as a fleet owner. All registered
7 fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar
8 year or biennial basis pursuant to this section in lieu of the registration periods provided in
9 sections 301.030, 301.035, and 301.147. The director shall issue an identification number to
10 each registered owner of fleet vehicles.

11 2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered
12 during April [each year] **of the corresponding year** or on a prorated basis as provided in
13 subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year
14 basis or on a biennial basis shall be payable not later than the last day of April of [each year] **the**
15 **corresponding year**, with two years' fees due for biennially-registered vehicles.
16 Notwithstanding the provisions of section 307.355, an application for registration of a fleet
17 vehicle must be accompanied by a certificate of inspection and approval issued no more than one
18 hundred twenty days prior to the date of application. The fees for vehicles added to the fleet
19 which must be licensed at the time of registration shall be payable at the time of registration,
20 except that when such vehicle is licensed between July first and September thirtieth the fee shall
21 be three-fourths the annual fee, when licensed between October first and December thirty-first
22 the fee shall be one-half the annual fee and when licensed on or after January first the fee shall
23 be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet,
24 an additional year's annual fee will be added to the partial year's prorated fee.

25 3. At any time during the calendar year in which an owner of a fleet purchases or
26 otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle,
27 the owner shall present to the director of revenue the identification number as a fleet number and
28 may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet
29 owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant
30 to this subsection.

31 4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant
32 to this section shall be issued a special license plate which shall have the words "Fleet Vehicle"
33 in place of the words "Show-Me State" in the manner prescribed by the advisory committee
34 established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle
35 fee beyond the regular registration fee, [owners of] **a fleet owner of at least fifty** fleet vehicles
36 may apply for fleet license plates bearing a company name or logo, **the size and design thereof**
37 **subject to approval by the director**. All fleet license plates shall be made with fully reflective
38 material with a common color scheme and design, shall be clearly visible at night, and shall be

39 aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear
40 license plates as provided in this section which shall not require issuance of a renewal tab **or**
41 **window sticker**. Upon payment of appropriate registration fees, the director of revenue shall
42 issue a registration certificate or other suitable evidence of payment of the annual or biennial fee,
43 and such evidence of payment shall be carried at all times in the vehicle for which it is issued.
44 The director of revenue shall promulgate rules and regulations establishing the procedure for
45 application and issuance of fleet vehicle license plates.

46 5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet
47 vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390
48 if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of
49 Missouri.

301.069. 1. A driveaway license plate may not be used on a vehicle used or operated on
2 a highway except for the purpose of transporting vehicles in transit. Driveaway license plates
3 may not be used by tow truck operators transporting wrecked, disabled, abandoned, improperly
4 parked, or burned vehicles. **Driveaway license plates shall only be used by owners, corporate**
5 **officers, or employees of the business to which the plate was issued.** For each driveaway
6 license there shall be paid an annual license fee of forty-four dollars and fifty cents for one set
7 of plates or such insignia as the director may issue which shall be attached to the motor vehicle
8 as prescribed in this chapter. Applicants may choose to obtain biennial driveaway licenses. The
9 fee for biennial driveaway licenses shall be eighty-nine dollars. For single trips the fee shall be
10 four dollars, and descriptive insignia shall be prepared and issued at the discretion of the director
11 who shall also prescribe the type of equipment used to attach such vehicles in combinations.

12 2. **No driveaway license plates shall be issued by the director of revenue unless the**
13 **applicant therefor shall make application for such plate and shall therein include:**

14 (1) **The business name, business street address, and business telephone number of**
15 **the applicant;**

16 (2) **The business owner's full name, date of birth, driver license number or**
17 **nondriver license number, residence street address, and residence telephone number;**

18 (3) **The signature and printed name of the business owner or authorized**
19 **representative of the business presenting such application; and**

20 (4) **A statement explaining what the driveaway license plate or plates will be used**
21 **for. The applicant shall provide certification of proof of financial responsibility, as defined**
22 **in section 303.020, sufficient to cover each motor vehicle the applicant shall operate or**
23 **otherwise move on the streets or highways, through use of the driveaway license plate,**
24 **during the period of registration. The applicant shall provide such certification by affixing**
25 **a copy of said certification to the application. The application shall include a photograph,**

26 **not to exceed eight inches by ten inches but no less than five inches by seven inches,**
27 **showing the business building and sign of the applicant's business. The applicant shall**
28 **maintain a working, landline telephone at the applicant's place of business throughout the**
29 **registration period. The applicant shall maintain certification of proof of financial**
30 **responsibility as described herein throughout the registration period.**

31 **3. If any of the information required by this section to be reported by the applicant**
32 **changes during the registration period, the applicant shall report said changes to the**
33 **department of revenue within ten days of the date of the change.**

34 **4. Any violation of this section or misrepresentation contained in an application for**
35 **driveaway license plate shall result in the revocation of the applicant's driveaway license**
36 **plate and any subsequent application for a driveaway license plate shall be denied for two**
37 **years from the date of violation. "Applicant" shall include any officer of a business or any**
38 **employee or agent thereof.**

39 **5. Any person who knowingly uses a revoked driveaway license plate shall be**
40 **deemed guilty of a class A misdemeanor.**

301.130. 1. The director of revenue, upon receipt of a proper application for registration,
2 required fees and any other information which may be required by law, shall issue to the
3 applicant a certificate of registration in such manner and form as the director of revenue may
4 prescribe and a set of license plates, or other evidence of registration, as provided by this section.
5 Each set of license plates shall bear the name or abbreviated name of this state, the words
6 "SHOW-ME STATE", the month and year in which the registration shall expire, and an
7 arrangement of numbers or letters, or both, as shall be assigned from year to year by the director
8 of revenue. The plates shall also contain fully reflective material with a common color scheme
9 and design for each type of license plate issued pursuant to this chapter. The plates shall be
10 clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled
11 veterans will have the "DISABLED VETERAN" wording on the license plates in preference to
12 the words "SHOW-ME STATE" and special plates for members of the national guard will have
13 the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

14 2. The arrangement of letters and numbers of license plates shall be uniform throughout
15 each classification of registration. The director may provide for the arrangement of the numbers
16 in groups or otherwise, and for other distinguishing marks on the plates.

17 3. All property-carrying commercial motor vehicles to be registered at a gross weight in
18 excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local
19 transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and
20 driveaway vehicles shall be registered with the director of revenue as provided for in subsection

21 3 of section 301.030, or with the state highways and transportation commission as otherwise
22 provided in this chapter, but only one license plate shall be issued for each such vehicle.

23 4. The plates issued to manufacturers and dealers shall bear the letters and numbers as
24 prescribed by section 301.560, and the director may place upon the plates other letters or marks
25 to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

26 5. No motor vehicle or trailer shall be operated on any highway of this state unless it
27 shall have displayed thereon the license plate or set of license plates issued by the director of
28 revenue or the state highways and transportation commission and authorized by section 301.140.
29 Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all
30 parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof
31 are not impaired. Each such plate may be encased in a transparent cover so long as the plate is
32 plainly visible and its reflective qualities are not impaired. License plates shall be fastened to
33 all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of
34 twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than
35 forty-eight inches above the ground, with the letters and numbers thereon right side up. The
36 license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on
37 the rear of such vehicles, with the letters and numbers thereon right side up. The license plate
38 on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed
39 in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than
40 eight nor more than forty-eight inches above the ground, with the letters and numbers thereon
41 right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section,
42 displayed in the same manner on the front and rear of such vehicles. The license plate or plates
43 authorized by section 301.140, when properly attached, shall be prima facie evidence that the
44 required fees have been paid.

45 6. (1) **Beginning January 1, 2013**, the director of revenue shall issue annually or
46 biennially a [tab or set of tabs] **window sticker, to be placed on the front windshield of the**
47 **motor vehicle**, as provided by law as evidence of the annual payment of registration fees and the
48 current registration of a vehicle in lieu of the set of plates. **Notwithstanding the provisions of**
49 **this section, motorcycles and trailers shall be issued license plate tabs in lieu of window**
50 **stickers.** Beginning January 1, 2010, the director may prescribe any additional information
51 recorded on the tab or tabs **or window sticker** to ensure that the tab or tabs **or the window**
52 **sticker** positively correlate with the license plate or plates issued by the department of revenue
53 for such vehicle. Such tabs **or window stickers** shall be produced in each license bureau office.

54 (2) [The vehicle owner to whom a tab or set of tabs is issued shall affix and display such
55 tab or tabs in the designated area of the license plate, no more than one per plate] **The window**
56 **sticker shall be placed on the inside front window in an area prescribed by the director of**

57 **revenue. Tabs issued to motorcycles and trailers shall be affixed and displayed in the**
58 **designated area of the license plate.**

59 (3) A tab or [set of tabs] **window sticker** issued by the director of revenue when attached
60 to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for
61 such vehicle has been paid.

62 (4) Except as otherwise provided in this section, the director of revenue shall issue plates
63 for a period of at least six years.

64 (5) For those commercial motor vehicles and trailers registered pursuant to section
65 301.041, the plate issued by the highways and transportation commission shall be a permanent
66 nonexpiring license plate for which no tabs **or window sticker** shall be issued. Nothing in this
67 section shall relieve the owner of any vehicle permanently registered pursuant to this section
68 from the obligation to pay the annual registration fee due for the vehicle. The permanent
69 nonexpiring license plate shall be returned to the highways and transportation commission upon
70 the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate
71 is issued, or the plate may be transferred to a replacement commercial motor vehicle when the
72 owner files a supplemental application with the Missouri highways and transportation
73 commission for the registration of such replacement commercial motor vehicle. Upon payment
74 of the annual registration fee, the highways and transportation commission shall issue a
75 certificate of registration or other suitable evidence of payment of the annual fee, and such
76 evidence of payment shall be carried at all times in the vehicle for which it is issued.

77 (6) Upon the sale or disposal of any vehicle permanently registered under this section,
78 or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued
79 for such vehicle shall be returned to the highways and transportation commission and shall not
80 be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle
81 when the owner files a supplemental application with the Missouri highways and transportation
82 commission for the registration of such replacement vehicle. If a vehicle which is permanently
83 registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated,
84 the registrant shall be given credit for any unused portion of the annual registration fee when the
85 vehicle is replaced by the purchase or lease of another vehicle during the registration year.

86 7. The director of revenue and the highways and transportation commission may
87 prescribe rules and regulations for the effective administration of this section. [No rule or
88 portion of a rule promulgated under the authority of this section shall become effective unless
89 it has been promulgated pursuant to the provisions of section 536.024.] **Any rule or portion of**
90 **a rule, as that term is defined in section 536.010, that is created under the authority**
91 **delegated in this section shall become effective only if it complies with and is subject to all**
92 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**

93 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**
94 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
95 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
96 **any rule proposed or adopted after August 28, 2012, shall be invalid and void.**

97 8. Notwithstanding the provisions of any other law to the contrary, owners of motor
98 vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess
99 of eighteen thousand pounds gross weight may apply for special personalized license plates.
100 Vehicles licensed for eighteen thousand pounds that display special personalized license plates
101 shall be subject to the provisions of subsections 1 and 2 of section 301.030.

102 9. No later than January 1, 2009, the director of revenue shall commence the reissuance
103 of new license plates of such design as directed by the director consistent with the terms,
104 conditions, and provisions of this section and this chapter. Except as otherwise provided in this
105 section, in addition to all other fees required by law, applicants for registration of vehicles with
106 license plates that expire during the period of reissuance, applicants for registration of trailers
107 or semitrailers with license plates that expire during the period of reissuance and applicants for
108 registration of vehicles that are to be issued new license plates during the period of reissuance
109 shall pay the cost of the plates required by this subsection. The additional cost prescribed in this
110 subsection shall not be charged to persons receiving special license plates issued under section
111 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131
112 and specialized license plates are exempt from the provisions of this subsection. Except for new,
113 replacement, and transfer applications, permanent nonexpiring license plates issued to
114 commercial motor vehicles and trailers registered under section 301.041 are exempt from the
115 provisions of this subsection.

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate
2 of registration and the right to use the number plates shall expire and the number plates **and**
3 **window sticker** shall be removed by the owner at the time of the transfer of possession, and it
4 shall be unlawful for any person other than the person to whom such number plates were
5 originally issued to have the same in his or her possession whether in use or not, unless such
6 possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer
7 who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor
8 vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor
9 vehicle with such transferred plates shall be lawful for no more than thirty days. **A window**
10 **sticker shall not be required during the thirty-day time frame.** As used in this subsection,
11 the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold
12 by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the
13 trade-in motor vehicle or trailer are still valid.

14 2. In the case of a transfer of ownership the original owner may register another motor
15 vehicle under the same number, upon the payment of a fee of two dollars, **and payment of a fee**
16 **as prescribed in section 301.300 for a replacement window sticker**, if the motor vehicle is
17 of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle)
18 seating capacity, not in excess of that originally registered. When such motor vehicle is of
19 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor
20 vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee
21 of two dollars, **the fee prescribed in section 301.300 for a replacement window sticker**, and
22 a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross
23 weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which
24 a lesser fee is prescribed, applicant shall not be entitled to a refund.

25 3. License plates may be transferred from a motor vehicle which will no longer be
26 operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay
27 a transfer fee of two dollars, **and payment of a fee as prescribed in section 301.300 for a**
28 **replacement window sticker**, if the newly purchased vehicle is of horsepower, gross weight or
29 (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess
30 of that of the vehicle which will no longer be operated. When the newly purchased motor
31 vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial
32 motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a
33 transfer fee of two dollars, **the fee prescribed in section 301.300 for a replacement window**
34 **sticker**, and a pro rata portion of the difference in fees. When the newly purchased vehicle is
35 of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor
36 vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled
37 to a refund.

38 4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made
39 application for registration, by mail or otherwise, may operate the same for a period of thirty days
40 after taking possession thereof, if during such period the motor vehicle or trailer shall have
41 attached thereto, in the manner required by section 301.130, number plates issued to the dealer.
42 Upon application and presentation of proof of financial responsibility as required under
43 subsection 5 of this section and satisfactory evidence that the buyer has applied for registration,
44 a dealer may furnish such number plates to the buyer for such temporary use. In such event, the
45 dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to
46 the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer
47 such number plates within thirty days. The director shall issue a temporary permit authorizing
48 the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of
49 purchase.

50 5. The temporary permit shall be made available by the director of revenue and may be
51 purchased from the department of revenue upon proof of purchase of a motor vehicle or trailer
52 for which the buyer has no registration plate available for transfer and upon proof of financial
53 responsibility, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer
54 has no registration plate available for transfer. The director shall make temporary permits
55 available to registered dealers in this state or authorized agents of the department of revenue in
56 sets of ten permits. The fee for the temporary permit shall be seven dollars and fifty cents for
57 each permit or plate issued. No dealer or authorized agent shall charge more than seven dollars
58 and fifty cents for each permit issued. The permit shall be valid for a period of thirty days from
59 the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle
60 or trailer by a dealer for which the purchaser obtains a permit as set out above. No permit shall
61 be issued for a vehicle under this section unless the buyer shows proof of financial responsibility.

62 6. The permit shall be issued on a form prescribed by the director and issued only for the
63 applicant's use in the operation of the motor vehicle or trailer purchased to enable the applicant
64 to legally operate the vehicle while proper title and registration plates are being obtained, and
65 shall be displayed on no other vehicle. Temporary permits issued pursuant to this section shall
66 not be transferable or renewable and shall not be valid upon issuance of proper registration plates
67 for the motor vehicle or trailer. The director shall determine the size and numbering
68 configuration, construction, and color of the permit.

69 7. The dealer or authorized agent shall insert the date of issuance and expiration date,
70 year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The
71 dealer shall also insert such dealer's number on the permit. Every dealer that issues a temporary
72 permit shall keep, for inspection of proper officers, a correct record of each permit issued by
73 recording the permit or plate number, buyer's name and address, year, make, manufacturer's
74 vehicle identification number on which the permit is to be used, and the date of issuance.

75 8. Upon the transfer of ownership of any currently registered motor vehicle wherein the
76 owner cannot transfer the license plates due to a change of vehicle category, the owner may
77 surrender the license plates issued to the motor vehicle and receive credit for any unused portion
78 of the original registration fee against the registration fee of another motor vehicle. Such credit
79 shall be granted based upon the date the license plates are surrendered. No refunds shall be made
80 on the unused portion of any license plates surrendered for such credit.

301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

- 2 (1) "Department", the department of revenue;
- 3 (2) "Director", the director of the department of revenue;
- 4 (3) "Other authorized health care practitioner" includes advanced practice registered
5 nurses licensed pursuant to chapter 335, physician assistants licensed pursuant to chapter 334,

6 chiropractors licensed pursuant to chapter 331, podiatrists licensed pursuant to chapter 330, and
7 optometrists licensed pursuant to chapter 336;

8 (4) "Physically disabled", a natural person who is blind, as defined in section 8.700, or
9 a natural person with medical disabilities which prohibits, limits, or severely impairs one's ability
10 to ambulate or walk, as determined by a licensed physician or other authorized health care
11 practitioner as follows:

12 (a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to
13 a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling
14 condition; or

15 (b) The person cannot ambulate or walk without the use of, or assistance from, a brace,
16 cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

17 (c) Is restricted by a respiratory or other disease to such an extent that the person's forced
18 respiratory expiratory volume for one second, when measured by spirometry, is less than one
19 liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

20 (d) Uses portable oxygen; or

21 (e) Has a cardiac condition to the extent that the person's functional limitations are
22 classified in severity as class III or class IV according to standards set by the American Heart
23 Association; or

24 (f) A person's age, in and of itself, shall not be a factor in determining whether such
25 person is physically disabled or is otherwise entitled to disabled license plates and/or disabled
26 windshield hanging placards within the meaning of sections 301.141 to 301.143;

27 (5) "Physician", a person licensed to practice medicine pursuant to chapter 334;

28 (6) "Physician's statement", a statement personally signed by a duly authorized person
29 which certifies that a person is disabled as defined in this section;

30 (7) "Temporarily disabled person", a disabled person as defined in this section whose
31 disability or incapacity is expected to last no more than one hundred eighty days;

32 (8) "Temporary windshield placard", a placard to be issued to persons who are
33 temporarily disabled persons as defined in this section, certification of which shall be indicated
34 on the physician's statement;

35 (9) "Windshield placard", a placard to be issued to persons who are physically disabled
36 as defined in this section, certification of which shall be indicated on the physician's statement.

37 2. Other authorized health care practitioners may furnish to a disabled or temporarily
38 disabled person a physician's statement for only those physical health care conditions for which
39 such health care practitioner is legally authorized to diagnose and treat.

40 3. A physician's statement shall:

41 (1) Be on a form prescribed by the director of revenue;

42 (2) Set forth the specific diagnosis and medical condition which renders the person
43 physically disabled or temporarily disabled as defined in this section;

44 (3) Include the physician's or other authorized health care practitioner's license number;
45 and

46 (4) Be personally signed by the issuing physician or other authorized health care
47 practitioner.

48 4. If it is the professional opinion of the physician or other authorized health care
49 practitioner issuing the statement that the physical disability of the applicant, user, or member
50 of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the
51 physician or other authorized health care practitioner shall note on the statement the anticipated
52 length of the disability which period may not exceed one hundred eighty days. If the physician
53 or health care practitioner fails to record an expiration date on the physician's statement, the
54 director shall issue a temporary windshield placard for a period of thirty days.

55 5. A physician or other authorized health care practitioner who issues or signs a
56 physician's statement so that disabled plates or a disabled windshield placard may be obtained
57 shall maintain in such disabled person's medical chart documentation that such a certificate has
58 been issued, the date the statement was signed, the diagnosis or condition which existed that
59 qualified the person as disabled pursuant to this section and shall contain sufficient
60 documentation so as to objectively confirm that such condition exists.

61 6. The medical or other records of the physician or other authorized health care
62 practitioner who issued a physician's statement shall be open to inspection and review by such
63 practitioner's licensing board, in order to verify compliance with this section. Information
64 contained within such records shall be confidential unless required for prosecution, disciplinary
65 purposes, or otherwise required to be disclosed by law.

66 7. Owners of motor vehicles who are residents of the state of Missouri, and who are
67 physically disabled, owners of motor vehicles operated at least fifty percent of the time by a
68 physically disabled person, or owners of motor vehicles used to primarily transport physically
69 disabled members of the owner's household may obtain disabled person license plates. Such
70 owners, upon application, accompanied by the documents and fees provided for in this section,
71 a current physician's statement which has been issued within ninety days proceeding the date the
72 application is made and proof of compliance with the state motor vehicle laws relating to
73 registration and licensing of motor vehicles, shall be issued motor vehicle license plates for
74 vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand
75 pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the
76 word "DISABLED" in addition to a combination of letters and numbers. Such license plates

77 shall be made with fully reflective material with a common color scheme and design, shall be
78 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

79 8. The director shall further issue, upon request, to such applicant one, and for good
80 cause shown, as the director may define by rule and regulations, not more than two, removable
81 disabled windshield hanging placards for use when the disabled person is occupying a vehicle
82 or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or
83 collect the physically disabled person issued the disabled motor vehicle license plate or disabled
84 windshield hanging placard.

85 9. No additional fee shall be paid to the director for the issuance of the special license
86 plates provided in this section, except for special personalized license plates and other license
87 plates described in this subsection. Priority for any specific set of special license plates shall be
88 given to the applicant who received the number in the immediately preceding license period
89 subject to the applicant's compliance with the provisions of this section and any applicable rules
90 or regulations issued by the director. If determined feasible by the advisory committee
91 established in section 301.129, any special license plate issued pursuant to this section may be
92 adapted to also include the international wheelchair accessibility symbol and the word
93 "DISABLED" as prescribed in this section and such plate may be issued to any applicant who
94 meets the requirements of this section and the other appropriate provision of this chapter, subject
95 to the requirements and fees of the appropriate provision of this chapter.

96 10. Any physically disabled person, or the parent or guardian of any such person, or any
97 not-for-profit group, organization, or other entity which transports more than one physically
98 disabled person, may apply to the director of revenue for a removable windshield placard. The
99 placard may be used in motor vehicles which do not bear the permanent handicap symbol on the
100 license plate. Such placards must be hung from the front, middle rearview mirror of a parked
101 motor vehicle and may not be hung from the mirror during operation. These placards may only
102 be used during the period of time when the vehicle is being used by a disabled person, or when
103 the vehicle is being used to pick up, deliver, or collect a disabled person. When there is no
104 rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

105 11. The removable windshield placard shall conform to the specifications, in respect to
106 size, color, and content, as set forth in federal regulations published by the Department of
107 Transportation. [The removable windshield placard shall be renewed every four years. The
108 director may stagger the expiration dates to equalize workload.] Only one removable placard
109 may be issued to an applicant who has been issued disabled person license plates. Upon request,
110 one additional windshield placard may be issued to an applicant who has not been issued
111 disabled person license plates.

112 12. A temporary windshield placard shall be issued to any physically disabled person,
113 or the parent or guardian of any such person who otherwise qualifies except that the physical
114 disability, in the opinion of the physician, is not expected to exceed a period of one hundred
115 eighty days. The temporary windshield placard shall conform to the specifications, in respect
116 to size, color, and content, as set forth in federal regulations published by the Department of
117 Transportation. The fee for the temporary windshield placard shall be two dollars. Upon
118 request, and for good cause shown, one additional temporary windshield placard may be issued
119 to an applicant. Temporary windshield placards shall be issued upon presentation of the
120 physician's statement provided by this section and shall be displayed in the same manner as
121 removable windshield placards. A person or entity shall be qualified to possess and display a
122 temporary removable windshield placard for six months and the placard may be renewed once
123 for an additional six months if a physician's statement pursuant to this section is supplied to the
124 director of revenue at the time of renewal.

125 13. Application for license plates or windshield placards issued pursuant to this section
126 shall be made to the director of revenue and shall be accompanied by a statement signed by a
127 licensed physician or other authorized health care practitioner which certifies that the applicant,
128 user, or member of the applicant's household is a physically disabled person as defined by this
129 section.

130 14. The placard shall be renewable only by the person or entity to which the placard was
131 originally issued. Any placard issued pursuant to this section shall only be used when the
132 physically disabled occupant for whom the disabled plate or placard was issued is in the motor
133 vehicle at the time of parking or when a physically disabled person is being delivered or
134 collected. A disabled license plate and/or a removable windshield hanging placard are not
135 transferable and may not be used by any other person whether disabled or not.

136 15. At the time the disabled plates or windshield hanging placards are issued, the director
137 shall issue a registration certificate which shall include the applicant's name, address, and other
138 identifying information as prescribed by the director, or if issued to an agency, such agency's
139 name and address. This certificate shall further contain the disabled license plate number or, for
140 windshield hanging placards, the registration or identifying number stamped on the placard. The
141 validated registration receipt given to the applicant shall serve as the registration certificate.

142 16. The director shall, upon issuing any disabled registration certificate for license plates
143 and/or windshield hanging placards, provide information which explains that such plates or
144 windshield hanging placards are nontransferable, and the restrictions explaining who and when
145 a person or vehicle which bears or has the disabled plates or windshield hanging placards may
146 be used or be parked in a disabled reserved parking space, and the penalties prescribed for
147 violations of the provisions of this act.

17. Every new applicant for a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than ninety days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than ninety days prior to such application shall be required every fourth year. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. The director may stagger the requirement of a physician's statement on all renewals for the initial implementation of a four-year period.

18. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, or the Missouri state board of nursing established in section 335.021, with respect to physician's statements signed by advanced practice registered nurses, or the Missouri state board of chiropractic examiners established in section 331.090, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law. If such applicant obtaining a disabled license plate or placard presents proof of disability in the form of a statement from the United States Veterans' Administration verifying that the person is permanently disabled, the applicant shall be exempt from the four-year certification requirement of this subsection for renewal of the plate or placard. Initial applications shall be accompanied by the physician's statement required by this section. Notwithstanding the provisions of paragraph (f) of subdivision (4) of subsection 1 of this section, any person seventy-five years of age or older, **or any person permanently disabled regardless of age**, who provided the physician's statement with the original application shall not be required to provide a physician's statement for the purpose of renewal of disabled persons license plates or windshield placards.

19. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the director, establish a list of all Missouri physicians and other authorized health care practitioners and of any other information necessary to administer this section.

20. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit a statement

184 stating this fact, in addition to the physician's statement. The statement shall be signed by both
185 the owner of the vehicle and the physically disabled person. The applicant shall be required to
186 submit this statement with each application for license plates. No person shall willingly or
187 knowingly submit a false statement and any such false statement shall be considered perjury and
188 may be punishable pursuant to section 301.420.

189 21. The director of revenue shall retain all physicians' statements and all other documents
190 received in connection with a person's application for disabled license plates and/or disabled
191 windshield placards.

192 22. The director of revenue shall enter into reciprocity agreements with other states or
193 the federal government for the purpose of recognizing disabled person license plates or
194 windshield placards issued to physically disabled persons.

195 23. When a person to whom disabled person license plates or a removable or temporary
196 windshield placard or both have been issued dies, the personal representative of the decedent or
197 such other person who may come into or otherwise take possession of the disabled license plates
198 or disabled windshield placard shall return the same to the director of revenue under penalty of
199 law. Failure to return such plates or placards shall constitute a class B misdemeanor.

200 24. The director of revenue may order any person issued disabled person license plates
201 or windshield placards to submit to an examination by a chiropractor, osteopath, or physician,
202 or to such other investigation as will determine whether such person qualifies for the special
203 plates or placards.

204 25. If such person refuses to submit or is found to no longer qualify for special plates or
205 placards provided for in this section, the director of revenue shall collect the special plates or
206 placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

207 26. In the event a removable or temporary windshield placard is lost, stolen, or mutilated,
208 the lawful holder thereof shall, within five days, file with the director of revenue an application
209 and an affidavit stating such fact, in order to purchase a new placard. The fee for the
210 replacement windshield placard shall be four dollars.

211 27. Fraudulent application, renewal, issuance, procurement or use of disabled person
212 license plates or windshield placards shall be a class A misdemeanor. It is a class B
213 misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual
214 or family member is qualified for a license plate or windshield placard based on a disability, the
215 diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis.

301.160. Upon approval of the application for registration of a motor vehicle or trailer
2 and when the required fee has been paid to the department of revenue, the department shall
3 forward or deliver to the applicant the registration receipt and the number of license plates
4 prescribed for the vehicle or trailer by section 301.130, or renewal tabs **or window stickers** if

5 appropriate. The attachment to the motor vehicle or trailer specified in the application of current
6 license plates shall be prima facie evidence that the fees have been paid for such license.

**301.216. Department investigators licensed as peace officers by the director of the
2 department of public safety under chapter 590 shall be deemed to be peace officers within
3 the state of Missouri while acting in an investigation to enforce the provisions of this
4 chapter and any provisions regarding fees, licenses, or taxes administered by the director.
5 The power of arrest of a department investigator acting as a peace officer shall be limited
6 to offenses involving fees, licenses, taxes or in situations of imminent danger to the
7 investigator or another person.**

301.218. 1. No person shall, except as an incident to the sale, repair, rebuilding or
2 servicing of vehicles by a licensed franchised motor vehicle dealer, carry on or conduct the
3 following business unless licensed to do so by the department of revenue under sections 301.217
4 to 301.229:

5 (1) Selling used parts of or used accessories for vehicles as a used parts dealer, as defined
6 in section 301.010;

7 (2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof as a
8 salvage dealer or dismantler, as defined in section 301.010;

9 (3) Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar
10 year as a rebuilder or body shop, as defined in section 301.010;

11 (4) Processing scrapped vehicles or vehicle parts as a [mobile] scrap processor, as
12 defined in section 301.010.

13 2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to
14 persons actually engaged in and holding a current license under sections 301.217 to 301.221 and
15 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his
16 or her state of domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor
17 vehicles or salvage vehicles, and to persons who reside in a foreign country that are purchasing
18 salvage vehicles for export outside of the United States. Operators of salvage pools or salvage
19 disposal sales shall keep a record, for three years, of sales of salvage vehicles with the
20 purchasers' name and address, and the year, make, and vehicle identification number for each
21 vehicle. These records shall be open for inspection as provided in section 301.225. Such records
22 shall be submitted to the department on a quarterly basis.

23 3. The operator of a salvage pool or salvage disposal sale, or subsequent purchaser, who
24 sells a nonrepairable motor vehicle or a salvage motor vehicle to a person who is not a resident
25 of the United States at a salvage pool or a salvage disposal sale shall:

26 (1) Stamp on the face of the title so as not to obscure any name, date, or mileage
27 statement on the title the words "FOR EXPORT ONLY" in capital letters that are black; and

28 (2) Stamp in each unused reassignment space on the back of the title the words "FOR
29 EXPORT ONLY" and print the number of the dealer's salvage vehicle license, name of the
30 salvage pool, or the name of the governmental entity, as applicable. The words "FOR EXPORT
31 ONLY" required under subdivisions (1) and (2) of this subsection shall be at least two inches
32 wide and clearly legible. Copies of the stamped titles shall be forwarded to the department.

33 4. The director of revenue shall issue a separate license for each kind of business
34 described in subsection 1 of this section, to be entitled and designated as either "used parts
35 dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; or "[mobile] scrap processor"
36 license.

301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to
2 the department of revenue, on blanks to be prescribed by the department of revenue, giving the
3 following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle
4 sold; the name and address of the buyer; the name of the manufacturer; year of manufacture;
5 model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall
6 also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand.
7 Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection
8 8 of section 144.070 shall also include the amount of state and local sales tax collected for each
9 motor vehicle sold if sales tax was due. The odometer reading is not required when reporting
10 the sale of any motor vehicle that is ten years old or older, any motor vehicle having a gross
11 vehicle weight rating of more than sixteen thousand pounds, new vehicles that are transferred
12 on a manufacturer's statement of origin between one franchised motor vehicle dealer and another,
13 or boats, all-terrain vehicles or trailers. The sale of all thirty-day temporary permits, without
14 exception, shall be recorded in the appropriate space on the dealer's monthly sales report by
15 recording the complete permit number issued on the motor vehicle or trailer sale listed. The
16 monthly sales report shall be completed in full and signed by an officer, partner, or owner of the
17 dealership, and actually received by the department of revenue on or before the fifteenth day of
18 the month succeeding the month for which the sales are being reported. If no sales occur in any
19 given month, a report shall be submitted for that month indicating no sales. Any vehicle dealer
20 who fails to file a monthly report or who fails to file a timely report shall be subject to
21 disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to
22 exceed three hundred dollars per violation. Every motor vehicle and boat dealer shall retain
23 copies of the monthly sales report as part of the records to be maintained at the dealership
24 location and shall hold them available for inspection by appropriate law enforcement officials
25 and officials of the department of revenue. Every vehicle dealer selling twenty or more vehicles
26 a month shall file the monthly sales report with the department in an electronic format. Any
27 dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice

28 of transfer required by section 301.196. For any dealer not filing electronically, the notice of
29 transfer required by section 301.196 shall be submitted with the monthly sales report as
30 prescribed by the director.

31 2. Every dealer and every person operating a public garage shall keep a correct record
32 of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles
33 or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together
34 with the name and address of the person delivering such motor vehicle or trailer to the dealer or
35 public garage keeper, and the person delivering such motor vehicle or trailer shall record such
36 information in a file kept by the dealer or garage keeper. The record shall be kept for [three] **five**
37 years and be open for inspection by law enforcement officials, members or authorized or
38 designated employees of the Missouri highway patrol, and persons, agencies and officials
39 designated by the director of revenue.

40 3. Every dealer and every person operating a public garage in which a motor vehicle
41 remains unclaimed for a period of fifteen days shall, within five days after the expiration of that
42 period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on
43 a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and
44 address are known to the dealer or his employee or person operating a public garage or his
45 employee is not considered unclaimed. Any dealer or person operating a public garage who fails
46 to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its
47 garaging, parking or storing.

48 4. The director of revenue shall maintain appropriately indexed cumulative records of
49 unclaimed vehicles reported to the director. Such records shall be kept open to public inspection
50 during reasonable business hours.

51 5. The alteration or obliteration of the vehicle identification number on any such motor
52 vehicle shall be prima facie evidence of larceny, and the dealer or person operating such public
53 garage shall upon the discovery of such obliteration or alteration immediately notify the highway
54 patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or
55 garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period
56 of forty-eight hours for the purpose of an investigation by the officer so notified.

57 **6. Any person who knowingly makes a false statement or omission of a material fact**
58 **in a monthly sales report to the department of revenue, as described in subsection 1 of this**
59 **section, shall be deemed guilty of a class A misdemeanor.**

301.290. 1. Correctional enterprises of the department of corrections shall purchase,
2 erect and maintain all of the machinery and equipment necessary for the manufacture of the
3 license plates [and] , tabs, **and window stickers** issued by the director of revenue, and of signs

4 used by the state transportation department. [Beginning on January 1, 2011, correctional
5 enterprises shall no longer erect and maintain tabs for the department of revenue.]

6 2. The director of revenue shall procure all plates issued by [him] **the director**, and the
7 state transportation department shall procure all signs used by it from correctional enterprises,
8 unless an emergency arises and correctional enterprises cannot furnish the plates, tabs, **window**
9 **stickers**, or signs.

10 3. Correctional enterprises shall furnish the plates and signs at such a price as will not
11 exceed the price at which such plates and signs may be obtained upon the open market, but in
12 no event shall such price be less than the cost of manufacture, including labor and materials.

13 4. All moneys derived from the sale of the plates, tabs, **window stickers**, and signs shall
14 be paid into the state treasury to the credit of the working capital revolving fund as provided in
15 section 217.595.

301.300. 1. In event of the loss, theft, mutilation or destruction of any certificate of
2 ownership, number plate, tab [or set of tabs] **or window sticker** issued by the director of
3 revenue, the lawful holder thereof shall, within five days, file with the director of revenue, an
4 affidavit showing such fact, and shall, on the payment of a fee of eight dollars and fifty cents,
5 obtain a duplicate or replacement of such plate, certificate, tab [or set of tabs] **or window**
6 **sticker**. Any duplicate certificate issued for any "motor vehicle primarily for business use", as
7 defined in section 301.010, shall be issued only to the owner of record.

8 2. Upon filing affidavit of lost, stolen, mutilated or destroyed certificate of registration,
9 the director of revenue shall issue to the lawful owner a duplicate or replacement thereof upon
10 payment of a fee of eight dollars and fifty cents.

11 3. Vehicle owners who elect not to transfer or renew multiyear plates shall be charged
12 a fee equal to that charged for a lost plate in addition to the registration fee prescribed by law at
13 the time the new plate or plates are issued.

14 4. Notwithstanding subsection 1 of this section, a new or used motor vehicle dealer may
15 obtain a duplicate or replacement title in the owner's name if the owner's title has been lost,
16 stolen, mutilated, or destroyed and is not available for assignment. In order to obtain the
17 duplicate or replacement title from the department of revenue, the licensed dealer shall procure
18 a power of attorney from the owner authorizing the dealer to obtain a duplicate or replacement
19 title in the owner's name and sign any title assignments on the owner's behalf. The application
20 to the department of revenue for the duplicate or replacement title shall be accompanied by the
21 executed power of attorney, or a copy thereof, and the application shall contain the appropriate
22 mailing address of the dealer. The director of the department of revenue is authorized to make
23 all necessary rules and regulations for the administration of this subsection, and shall design all
24 necessary forms required by this subsection. No rule or portion of a rule promulgated pursuant

25 to the authority of this section shall become effective unless it has been promulgated pursuant
26 to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section
27 536.010, that is created under the authority delegated in this section shall become effective only
28 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
29 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
30 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
31 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
32 and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

301.301. 1. Any person replacing a stolen license plate tab **or window sticker** issued
2 on or after January 1, 2009, may receive at no cost up to two [sets of two] license plate tabs **or**
3 **window stickers** per year when the application for the replacement tab **or sticker** is
4 accompanied with a police report that is corresponding with the stolen license plate tab **or**
5 **window sticker**.

6 2. Any person replacing a stolen license plate tab issued prior to January 1, 2009, may
7 receive at no cost up to two sets of two license plate tabs per year when the application for the
8 replacement tab is accompanied with a notarized affidavit verifying that such license plate tab
9 or tabs were stolen.

301.302. A citation shall not be issued to any person stopped by law enforcement for a
2 missing license plate tab or [tabs] **window sticker** if such person indicates that the tab or [tabs
3 have] **window sticker has** been stolen and a check on such person's vehicle registration reveals
4 that the vehicle is properly registered. A law enforcement officer may issue a warning under
5 these circumstances. In the event a citation is improperly issued to a person for a missing [tabs]
6 **tab or window sticker** when the requirements of this section are met, any court costs shall be
7 waived.

301.425. If any peace officer has probable cause to believe that a certificate of
2 **ownership, a license plate, a license plate tab, a Missouri drivers license, or a Missouri**
3 **nondriver identification card was obtained fraudulently, any person in possession of said**
4 **item shall surrender same to the peace officer upon request. Any person failing to do so**
5 **shall be deemed guilty of a class A misdemeanor.**

301.559. 1. It shall be unlawful for any person to engage in business as or act as a motor
2 vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction,
3 wholesale motor vehicle auction or wholesale motor vehicle dealer without first obtaining a
4 license from the department as required in sections 301.550 to 301.573. Any person who
5 maintains or operates any business wherein a license is required pursuant to the provisions of
6 sections 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any

7 person committing a second violation of sections 301.550 to 301.573 shall be guilty of a class
8 D felony.

9 2. All dealer licenses shall expire on December thirty-first of [each year] **the designated**
10 **license period.** The department shall notify each person licensed under sections 301.550 to
11 301.573 of the date of license expiration and the amount of the fee required for renewal. The
12 notice shall be mailed at least ninety days before the date of license expiration to the licensee's
13 last known business address. **The director shall have the authority to issue licenses valid for**
14 **a period of up to two years and to stagger the license periods for administrative efficiency**
15 **and equalization of workload, at the sole discretion of the director.**

16 3. Every manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle
17 dealer, wholesale motor vehicle auction, boat dealer or public motor vehicle auction shall make
18 application to the department for issuance of a license. The application shall be on forms
19 prescribed by the department and shall be issued under the terms and provisions of sections
20 301.550 to 301.573 and require all applicants, as a condition precedent to the issuance of a
21 license, to provide such information as the department may deem necessary to determine that the
22 applicant is bona fide and of good moral character, except that every application for a license
23 shall contain, in addition to such information as the department may require, a statement to the
24 following facts:

25 (1) The name and business address, not a post office box, of the applicant and the
26 fictitious name, if any, under which he intends to conduct his business; and if the applicant be
27 a partnership, the name and residence address of each partner, an indication of whether the
28 partner is a limited or general partner and the name under which the partnership business is to
29 be conducted. In the event that the applicant is a corporation, the application shall list the names
30 of the principal officers of the corporation and the state in which it is incorporated. Each
31 application shall be verified by the oath or affirmation of the applicant, if an individual, or in the
32 event an applicant is a partnership or corporation, then by a partner or officer;

33 (2) Whether the application is being made for registration as a manufacturer, boat
34 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor
35 vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction;

36 (3) When the application is for a new motor vehicle franchise dealer, the application
37 shall be accompanied by a copy of the franchise agreement in the registered name of the
38 dealership setting out the appointment of the applicant as a franchise holder and it shall be signed
39 by the manufacturer, or his authorized agent, or the distributor, or his authorized agent, and shall
40 include a description of the make of all motor vehicles covered by the franchise. The department
41 shall not require a copy of the franchise agreement to be submitted with each renewal application

42 unless the applicant is now the holder of a franchise from a different manufacturer or distributor
43 from that previously filed, or unless a new term of agreement has been entered into;

44 (4) When the application is for a public motor vehicle auction, that the public motor
45 vehicle auction has met the requirements of section 301.561.

46 4. No insurance company, finance company, credit union, savings and loan association,
47 bank or trust company shall be required to obtain a license from the department in order to sell
48 any motor vehicle, trailer or vessel repossessed or purchased by the company on the basis of total
49 destruction or theft thereof when the sale of the motor vehicle, trailer or vessel is in conformance
50 with applicable title and registration laws of this state.

51 5. No person shall be issued a license to conduct a public motor vehicle auction or
52 wholesale motor vehicle auction if such person has a violation of sections 301.550 to 301.573
53 or other violations of chapter 301, sections 407.511 to 407.556, or section 578.120 which
54 resulted in a felony conviction or finding of guilt or a violation of any federal motor vehicle laws
55 which resulted in a felony conviction or finding of guilt.

301.560. 1. In addition to the application forms prescribed by the department, each
2 applicant shall submit the following to the department:

3 (1) Every application other than a renewal application for a motor vehicle franchise
4 dealer shall include a certification that the applicant has a bona fide established place of business.
5 Such application shall include an annual certification that the applicant has a bona fide
6 established place of business for the first three years and only for every other year thereafter. The
7 certification shall be performed by a uniformed member of the Missouri state highway patrol or
8 authorized or designated employee stationed in the troop area in which the applicant's place of
9 business is located; except that in counties of the first classification, certification may be
10 performed by an officer of a metropolitan police department when the applicant's established
11 place of business of distributing or selling motor vehicles or trailers is in the metropolitan area
12 where the certifying metropolitan police officer is employed. When the application is being
13 made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a
14 uniformed member of the Missouri state water patrol stationed in the district area in which the
15 applicant's place of business is located or by a uniformed member of the Missouri state highway
16 patrol stationed in the troop area in which the applicant's place of business is located or, if the
17 applicant's place of business is located within the jurisdiction of a metropolitan police
18 department in a first class county, by an officer of such metropolitan police department. A bona
19 fide established place of business for any new motor vehicle franchise dealer, used motor vehicle
20 dealer, boat dealer, powersport dealer, wholesale motor vehicle dealer, trailer dealer, or
21 wholesale or public auction shall be a permanent enclosed building or structure, either owned
22 in fee or leased and actually occupied as a place of business by the applicant for the selling,

23 bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or
24 trailers and wherein the public may contact the owner or operator at any reasonable time, and
25 wherein shall be kept and maintained the books, records, files and other matters required and
26 necessary to conduct the business. The applicant's place of business shall contain a working
27 telephone which shall be maintained during the entire registration year. In order to qualify as a
28 bona fide established place of business for all applicants licensed pursuant to this section there
29 shall be an exterior sign displayed carrying the name of the business set forth in letters at least
30 six inches in height and clearly visible to the public and there shall be an area or lot which shall
31 not be a public street on which multiple vehicles, boats, personal watercraft, or trailers may be
32 displayed. The sign shall contain the name of the dealership by which it is known to the public
33 through advertising or otherwise, which need not be identical to the name appearing on the
34 dealership's license so long as such name is registered as a fictitious name with the secretary of
35 state, has been approved by its line-make manufacturer in writing in the case of a new motor
36 vehicle franchise dealer and a copy of such fictitious name registration has been provided to the
37 department. Dealers who sell only emergency vehicles as defined in section 301.550 are exempt
38 from maintaining a bona fide place of business, including the related law enforcement
39 certification requirements, and from meeting the minimum yearly sales;

40 (2) The initial application for licensure shall include a photograph, not to exceed eight
41 inches by ten inches but no less than five inches by seven inches, showing the business building,
42 lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently
43 licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the
44 existing dealership building, lot and sign but shall be required to submit a new photograph upon
45 the installation of the new dealership sign as required by sections 301.550 to 301.573.
46 Applicants shall not be required to submit a photograph annually unless the business has moved
47 from its previously licensed location, or unless the name of the business or address has changed,
48 or unless the class of business has changed;

49 (3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer,
50 a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish
51 with the application a corporate surety bond or an irrevocable letter of credit as defined in section
52 [400.5-103] **400.5-102**, issued by any state or federal financial institution in the penal sum of
53 twenty-five thousand dollars on a form approved by the department. The bond or irrevocable
54 letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes
55 applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport
56 dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be
57 an indemnity for any loss sustained by reason of the acts of the person bonded when such acts
58 constitute grounds for the suspension or revocation of the dealer's license. The bond shall be

59 executed in the name of the state of Missouri for the benefit of all aggrieved parties or the
60 irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the
61 aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event,
62 exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or
63 irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from
64 a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved
65 party. Additionally, every applicant as a new motor vehicle franchise dealer, a used motor
66 vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish
67 with the application a copy of a current dealer garage policy bearing the policy number and name
68 of the insurer and the insured;

69 (4) Payment of all necessary license fees as established by the department. In
70 establishing the amount of the annual license fees, the department shall, as near as possible,
71 produce sufficient total income to offset operational expenses of the department relating to the
72 administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of
73 sections 301.550 to [301.573] **301.580**, other than those fees collected for the issuance of dealer
74 plates or certificates of number collected pursuant to subsection 6 of this section, shall be
75 collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle
76 Commission Fund", which is hereby created. The motor vehicle commission fund shall be
77 administered by the Missouri department of revenue. The provisions of section 33.080 to the
78 contrary notwithstanding, money in such fund shall not be transferred and placed to the credit
79 of the general revenue fund until the amount in the motor vehicle commission fund at the end
80 of the biennium exceeds two times the amount of the appropriation from such fund for the
81 preceding fiscal year or, if the department requires permit renewal less frequently than yearly,
82 then three times the appropriation from such fund for the preceding fiscal year. The amount, if
83 any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the
84 appropriation from such fund for the preceding fiscal year.

85 2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer,
86 wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction,
87 trailer dealer, or a public motor vehicle auction submits an application for a license for a new
88 business and the applicant has complied with all the provisions of this section, the department
89 shall make a decision to grant or deny the license to the applicant within eight working hours
90 after receipt of the dealer's application, notwithstanding any rule of the department.

91 3. Upon the initial issuance of a license by the department, the department shall assign
92 a distinctive dealer license number or certificate of number to the applicant and the department
93 shall issue one number plate or certificate bearing the distinctive dealer license number or
94 certificate of number and two additional number plates or certificates of number within eight

95 working hours after presentment of the application. Upon renewal, the department shall issue
96 the distinctive dealer license number or certificate of number as quickly as possible. The
97 issuance of such distinctive dealer license number or certificate of number shall be in lieu of
98 registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat
99 manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer,
100 wholesale motor vehicle auction or new or used motor vehicle dealer.

101 4. Notwithstanding any other provision of the law to the contrary, the department shall
102 assign the following distinctive dealer license numbers to:

103 New motor vehicle franchise dealers..... D-0 through D-999

104 New powersport dealers and motorcycle franchise dealers..... D-1000 through D-1999

105 Used motor vehicle, used powersport, and used motorcycle dealers.. D-2000 through D-9999

106 Wholesale motor vehicle dealers..... W-0 through W-1999

107 Wholesale motor vehicle auctions. WA-0 through WA-999

108 New and used trailer dealers..... T-0 through T-9999

109 Motor vehicle, trailer, and boat manufacturers..... DM-0 through DM-999

110 Public motor vehicle auctions..... A-0 through A-1999

111 Boat dealers..... M-0 through M-9999

112 New and used recreational motor vehicle dealers..... RV-0 through RV-999

113

114 For purposes of this subsection, qualified transactions shall include the purchase of salvage titled
115 vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage
116 dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified
117 transactions annually. In order for salvage dealers to obtain number plates or certificates under
118 this section, dealers shall submit to the department of revenue on August first of each year a
119 statement certifying, under penalty of perjury, the dealer's number of purchases during the
120 reporting period of July first of the immediately preceding year to June thirtieth of the present
121 year. The provisions of this subsection shall become effective on the date the director of the
122 department of revenue begins to reissue new license plates under section 301.130, or on
123 December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new
124 license plates under the authority granted under section 301.130 prior to December 1, 2008, the
125 director of the department of revenue shall notify the revisor of statutes of such fact.

126 5. Upon the sale of a currently licensed new motor vehicle franchise dealership the
127 department shall, upon request, authorize the new approved dealer applicant to retain the selling
128 dealer's license number and shall cause the new dealer's records to indicate such transfer.

129 6. In the case of new motor vehicle manufacturers, motor vehicle dealers, powersport
130 dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one

131 number plate bearing the distinctive dealer license number and may issue two additional number
132 plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the
133 number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each
134 additional number plate. Such license plates shall be made with fully reflective material with
135 a common color scheme and design, shall be clearly visible at night, and shall be aesthetically
136 attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be
137 entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee.
138 Additional number plates and as many additional certificates of number may be obtained upon
139 payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor
140 vehicle manufacturers shall not be issued or possess more than three hundred forty-seven
141 additional number plates or certificates of number annually. New and used motor vehicle
142 dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are
143 limited to one additional plate or certificate of number per ten-unit qualified transactions
144 annually. New and used recreational motor vehicle dealers are limited to two additional plates
145 or certificate of number per ten-unit qualified transactions annually for their first fifty
146 transactions and one additional plate or certificate of number per ten-unit qualified transactions
147 thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her
148 initial application the applicant's proposed annual number of sales in order for the director to
149 issue the appropriate number of additional plates or certificates of number. A motor vehicle
150 dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor
151 vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a
152 distinctive dealer license plate or certificate of number or additional license plate or additional
153 certificate of number, throughout the calendar year, shall be required to pay a fee for such license
154 plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed
155 for the original and duplicate number plates or certificates of number for such dealers' licenses,
156 multiplied by the number of months remaining in the licensing period for which the dealer or
157 manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at
158 the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a
159 certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain
160 number plates or certificates under this section, dealers shall submit to the department of revenue
161 on August first of each year a statement certifying, under penalty of perjury, the dealer's number
162 of sales during the reporting period of July first of the immediately preceding year to June
163 thirtieth of the present year.

164 7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any
165 motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to
166 subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held

for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle, for use and display purposes during, but not limited to, parades, private events, charitable events, or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and boat manufacturers may display their certificate of number on a vessel or vessel trailer when transporting a vessel or vessels to an exhibit or show.

9. If any law enforcement officer has probable cause to believe that any license plate or certificate of number issued under subsection 3 or 6 of this section is being misused in violation of subsection 7 or 8 of this section, the license plate or certificate of number may be seized and surrendered to the department.

10. (1) Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve months, has completed an educational seminar course approved by the department as prescribed by subdivision (2) of this subsection. Wholesale and public auto auctions and applicants currently holding a new or used license for a separate dealership shall be exempt from the requirements of this subsection. The provisions of this subsection shall not apply to current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were licensed prior to August 28, 2006.

(2) The educational seminar shall include, but is not limited to, the dealer requirements of sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer sections 301.550 to 301.570, and any other rules and regulations promulgated by the department.

301.562. 1. The department may refuse to issue or renew any license required pursuant to sections 301.550 to 301.573 for any one or any combination of causes stated in subsection 2 of this section. The department shall notify the applicant or licensee in writing at his or her last known address of the reasons for the refusal to issue or renew the license and shall advise the

5 applicant or licensee of his or her right to file a complaint with the administrative hearing
6 commission as provided by chapter 621.

7 2. The department may cause a complaint to be filed with the administrative hearing
8 commission as provided by chapter 621 against any holder of any license issued under sections
9 301.550 to 301.573 for any one or any combination of the following causes:

10 (1) The applicant or license holder was previously the holder of a license issued under
11 sections 301.550 to 301.573, which license was revoked for cause and never reissued by the
12 department, or which license was suspended for cause and the terms of suspension have not been
13 fulfilled;

14 (2) The applicant or license holder was previously a partner, stockholder, director or
15 officer controlling or managing a partnership or corporation whose license issued under sections
16 301.550 to 301.573 was revoked for cause and never reissued or was suspended for cause and
17 the terms of suspension have not been fulfilled;

18 (3) The applicant or license holder has, within ten years prior to the date of the
19 application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo
20 contendere, in a prosecution under the laws of any state or of the United States, for any offense
21 reasonably related to the qualifications, functions, or duties of any business licensed under
22 sections 301.550 to 301.573; for any offense, an essential element of which is fraud, dishonesty,
23 or an act of violence; or for any offense involving moral turpitude, whether or not sentence is
24 imposed;

25 (4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued
26 pursuant to sections 301.550 to 301.573;

27 (5) Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or
28 other compensation by fraud, deception, or misrepresentation;

29 (6) Violation of, or assisting or enabling any person to violate any provisions of this
30 chapter and chapters **143**, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation
31 adopted pursuant to this chapter and chapters **143**, **144**, 306, 307, 407, 578, and 643;

32 (7) The applicant or license holder has filed an application for a license which, as of its
33 effective date, was incomplete in any material respect or contained any statement which was, in
34 light of the circumstances under which it was made, false or misleading with respect to any
35 material fact;

36 (8) The applicant or license holder has failed to pay the proper application or license fee
37 or other fees required pursuant to this chapter or chapter 306 or fails to establish or maintain a
38 bona fide place of business;

39 (9) Uses or permits the use of any special license or license plate assigned to the license
40 holder for any purpose other than those permitted by law;

41 (10) The applicant or license holder is finally adjudged insane or incompetent by a court
42 of competent jurisdiction;

43 (11) Use of any advertisement or solicitation which is false;

44 (12) Violations of sections 407.511 to 407.556, section 578.120, which resulted in a
45 conviction or finding of guilt or violation of any federal motor vehicle laws which result in a
46 conviction or finding of guilt.

47 3. Any such complaint shall be filed within one year of the date upon which the
48 department receives notice of an alleged violation of an applicable statute or regulation. After
49 the filing of such complaint, the proceedings shall, **except for the matters set forth in**
50 **subsection 5 of this section**, be conducted in accordance with the provisions of chapter 621.
51 Upon a finding by the administrative hearing commission that the grounds, provided in
52 subsection 2 of this section, for disciplinary action are met, the department may, singly or in
53 combination, refuse to issue the person a license, **issue a license for a period of less than two**
54 **years**, issue a private reprimand, place the person on probation on such terms and conditions as
55 the department deems appropriate for a period of one day to five years, suspend the person's
56 license from one day to six days, or revoke the person's license for such period as the department
57 deems appropriate. The applicant or licensee shall have the right to appeal the decision of the
58 administrative hearing commission and department in the manner provided in chapter 536.

59 4. Upon the suspension or revocation of any person's license issued under sections
60 301.550 to 301.573, the department shall recall any distinctive number plates that were issued
61 to that licensee. **If any licensee who has been suspended or revoked shall neglect or refuse**
62 **to surrender his or her license or distinctive number license plates issued under sections**
63 **301.550 to 301.580, the director shall direct any agent or employee of the department or**
64 **any law enforcement officer, to secure possession thereof and return such items to the**
65 **director. For purposes of this subsection, a "law enforcement officer" means any member**
66 **of the highway patrol, any sheriff or deputy sheriff. Failure of the licensee to surrender**
67 **his or her license or distinctive number license plates upon demand by the director, any**
68 **agent or employee of the department, or any law enforcement officer shall be a class A**
69 **misdemeanor.**

70 5. Notwithstanding the foregoing provisions of this section, the following events or
71 acts by the holder of any license issued under sections 301.550 to 301.580 are deemed to
72 present a clear and present danger to the public welfare and shall be considered cause for
73 suspension or revocation of such license under the procedure set forth in subsection 6 of
74 this section, at the discretion of the director:

75 (1) The expiration or revocation of any corporate surety bond or irrevocable letter
76 of credit, as required by section 301.560, without submission of a replacement bond or
77 letter of credit which provides coverage for the entire period of licensure;

78 (2) The failure to maintain a bona fide established place of business as required by
79 section 301.560;

80 (3) Criminal convictions as set forth in subdivision (3) of subsection 2 of section
81 301.562; or

82 (4) Three or more occurrences of violations, which have been established following
83 proceedings before the administrative hearing commission under subsection 3 of this
84 section, or which have been established following proceedings before the director under
85 subsection 6 of this section, of this chapter and chapters 143, 144, 306, 307, 578, and 643
86 or of any lawful rule or regulation adopted under this chapter and chapters 143, 144, 306,
87 307, 578, and 643, not previously set forth herein.

88 6. (1) Any license issued under sections 301.550 to 301.580 shall be suspended or
89 revoked, following an evidentiary hearing before the director or his or her designated
90 hearing officer, if affidavits or sworn testimony by an authorized agent of the department
91 alleges the occurrence of any of the events or acts described in subsection 5 of this section.

92 (2) For any license which the department believes may be subject to suspension or
93 revocation under this subsection, the director shall immediately issue a notice of hearing
94 to the licensee of record. The director's notice of hearing:

95 (a) Shall be served upon the licensee personally or by first class mail to the dealer's
96 last known address, as registered with the director;

97 (b) Shall be based on affidavits or sworn testimony presented to the director, and
98 shall notify the licensee that such information presented therein constitutes cause to
99 suspend or revoke the licensee's license;

100 (c) Shall provide the licensee with a minimum of ten days' notice prior to hearing;

101 (d) Shall specify the events or acts which may provide cause for suspension or
102 revocation of the license, and shall include with the notice a copy of all affidavits, sworn
103 testimony or other information presented to the director which support discipline of the
104 license; and

105 (e) Shall inform the licensee that he or she has the right to attend the hearing and
106 present any evidence in his or her defense, including evidence to show that the event or act
107 which may result in suspension or revocation has been corrected to the director's
108 satisfaction, and that he or she may be represented by counsel at the hearing.

109 (3) At any hearing before the director conducted under this subsection, the director
110 or his or her designated hearing officer shall consider all evidence relevant to the issue of

whether the license should be suspended or revoked due to the occurrence of any of the acts set forth in subsection 5 herein. Within twenty business days after such hearing, the director or his or her designated hearing officer shall issue a written order, with findings of fact and conclusions of law, which either grants or denies the issuance of an order of suspension or revocation. The suspension or revocation shall be effective ten days after the date of the order. The written order of the director or his or her hearing officer shall be the final decision of the director and shall be subject to judicial review under the provisions of chapter 536.

(4) Notwithstanding the provisions of this chapter or chapter 610 or 621, to the contrary, the proceedings under this section shall be closed and no order shall be made public until it is final, for purposes of appeal.

301.567. 1. For purposes of this section, a violation of any of the following advertising standards shall be deemed an attempt by the advertising dealer to obtain a fee or other compensation by fraud, deception or misrepresentation in violation of section 301.562:

(1) A motor vehicle shall not be advertised as new, either by express terms or implication, unless it is a new motor vehicle as defined in section 301.550;

(2) When advertising any motor vehicle which is not a new motor vehicle, such advertisement must expressly identify that the motor vehicle is a used motor vehicle by express use of the term "used", or by such other term as is commonly understood to mean that the vehicle is used;

(3) Any terms, conditions, and disclaimers relating to the advertised motor vehicle's price or financing options shall be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information, but not be used as a means of contradicting or changing the meaning of an advertised statement;

(4) The expiration date, if any, of an advertised sale or vehicle price shall be clearly and conspicuously disclosed. In the absence of such disclosure, the advertised sale or vehicle price shall be deemed effective so long as such vehicles remain in the advertising dealership's inventory;

(5) The terms "list price", "sticker price", or "suggested retail price" shall be used only in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used, shall be accompanied by a clear and conspicuous disclosure that such terms represent the manufacturer's suggested retail price of the advertised vehicle;

(6) Terms such as "at cost", "\$..... above cost", "invoice price", and "\$ below/over invoice" shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of the sale;

25 (7) When the price or financing terms of a motor vehicle are advertised, the vehicle shall
26 be fully identified as to year, make, and model. In addition, in advertisements placed by
27 individual dealers and not line-make marketing groups, the advertised price or credit terms shall
28 include all charges which the buyer must pay to the dealer, except buyer-selected options and
29 state and local taxes. If a processing fee or freight or destination charges are not included in the
30 advertised price, the amount of any such processing fee and freight or destination charge must
31 be clearly and conspicuously disclosed within the advertisement;

32 (8) Advertisements of dealer rebates shall not be used, however, this shall not be deemed
33 to prohibit the advertising of manufacturer rebates, so long as all material terms of such rebates
34 are clearly and conspicuously disclosed;

35 (9) "Free"[,] or "at no cost" shall not be used if any purchase is required to qualify for
36 the free item, merchandise, or service;

37 (10) Bait advertising, in which an advertiser may have no intention to sell at the prices
38 or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the
39 following examples:

40 (a) Not having available for sale the advertised motor vehicles at the advertised prices.
41 If a specific vehicle is advertised, the dealer shall be in possession of a reasonable supply of such
42 vehicles, and they shall be available at the advertised price. If the advertised vehicle is available
43 only in limited numbers or only by order, such limitations shall be stated in the advertisement;

44 (b) Advertising a motor vehicle at a specified price, including such terms as "as low as
45 \$.....", but having available for sale only vehicles equipped with dealer-added cost options
46 which increase the selling price above the advertised price;

47 (11) Any reference to monthly payments, down payments, or other reference to financing
48 or leasing information shall be accompanied by a clear and conspicuous disclosure of the
49 following:

50 (a) Whether the payment or other information relates to a financing or a lease
51 transaction;

52 (b) If the payment or other information relates to a financing transaction, the minimum
53 down payment, annual percentage interest rate, and number of payments necessary to obtain the
54 advertised payment amount must be disclosed, in addition to any special qualifications required
55 for obtaining the advertised terms including, but not limited to, first-time buyer discounts,
56 college graduate discounts, and a statement concerning whether the advertised terms are subject
57 to credit approval;

58 (c) If the payment or other information relates to a lease transaction, the total amount due
59 from the purchaser at signing with such costs broken down and identified by category, lease term

60 expressed in number of months, whether the lease is closed-end or open-end, and total cost to
61 the lessee over the lease term in dollars;

62 (12) Any advertisement which states or implies that the advertising dealer has a special
63 arrangement or relationship with the distributor or manufacturer, as compared to similarly
64 situated dealers, shall not be used;

65 (13) Any advertisement which, in the circumstances under which it is made or applied,
66 is false, deceptive, or misleading shall not be used;

67 (14) No abbreviations for industry words or phrases shall be used in any advertisement
68 unless such abbreviations are accompanied by the fully spelled or spoken words or phrases.

69 2. The requirements of this section shall apply regardless of whether a dealer advertises
70 by means of print, broadcast, or electronic media, or direct mail. If the advertisement is by
71 means of a broadcast or print media, a dealer may provide the disclaimers and disclosures
72 required under subdivision (3) of subsection 1 of this section by reference to an Internet web
73 page or toll-free telephone number containing the information required to be disclosed.

74 3. Dealers shall clearly and conspicuously identify themselves in each advertisement by
75 use of a dealership name which complies with subsection 6 of section 301.560.

301.570. 1. It shall be unlawful for any person, partnership, corporation, company or
2 association, unless the seller is a financial institution, or is selling repossessed motor vehicles
3 or is disposing of vehicles used and titled solely in its ordinary course of business or is a collector
4 of antique motor vehicles, to sell or display with an intent to sell six or more motor vehicles in
5 a calendar year, except when such motor vehicles are registered in the name of the seller, unless
6 such person, partnership, corporation, company or association is:

7 (1) Licensed as a motor vehicle dealer by the department under the provisions of sections
8 301.550 to 301.573;

9 (2) Exempt from licensure as a motor vehicle dealer pursuant to subsection 4 of section
10 301.559;

11 (3) Selling commercial motor vehicles with a gross weight of at least nineteen thousand
12 five hundred pounds, but only with respect to such commercial motor vehicles;

13 (4) An auctioneer, acting at the request of the owner at an auction, when such auction
14 is not a public motor vehicle auction.

15 2. Any person, partnership, corporation, company or association that has reason to
16 believe that the provisions of this section are being violated shall file a complaint with the
17 prosecuting attorney in the county in which the violation occurred. The prosecuting attorney
18 shall investigate the complaint and take appropriate action.

19 3. For the purposes of sections 301.550 to 301.573, the sale, barter, exchange, lease or
20 rental with option to purchase of six or more motor vehicles in a calendar year by any person,

21 partnership, corporation, company or association, whether or not the motor vehicles are owned
22 by them, shall be prima facie evidence of intent to make a profit or gain of money and such
23 person, partnership, corporation, company or association shall be deemed to be acting as a motor
24 vehicle dealer without a license.

25 4. Any person, partnership, corporation, company or association who violates subsection
26 1 of this section is guilty of a class A misdemeanor. **A second or subsequent conviction shall**
27 **be deemed a class D felony.**

28 5. The provisions of this section shall not apply to liquidation of an estate.

301.580. 1. The department of revenue may issue special event motor vehicle
2 **auction licenses under the provisions of this section. For purposes of this section, a "special**
3 **event motor vehicle auction" is a motor vehicle auction which:**

4 (1) **Ninety percent of the vehicles being auctioned are at least ten years old or older;**

5 (2) **The licensee shall auction no more than three percent of the total number of**
6 **vehicles presented for auction which are owned and titled in the name of the licensee or its**
7 **owners; and**

8 (3) **The duration is no more than three consecutive calendar days and is held no**
9 **more than two times in a calendar year by a licensee.**

10 2. **A special event motor vehicle auction shall be considered a public motor vehicle**
11 **auction for purposes of sections 301.559 and 301.564.**

12 3. **Special event motor vehicle auction licensees shall be exempt from the**
13 **requirements of section 301.560, with the exception of subdivision (4) of subsection 1 of**
14 **section 301.560.**

15 4. **An application for a special event motor vehicle auction license must be received**
16 **by the department at least ninety days prior to the beginning of the special event auction.**

17 5. **Applicants for a special motor vehicle auction are limited to no more than two**
18 **special event auctions in any calendar year. A separate application is required for each**
19 **special event motor vehicle auction.**

20 6. **At least ninety percent of the vehicles being auctioned at a special event motor**
21 **vehicle auction shall be ten years old or older. The licensee shall, within ten days of the**
22 **conclusion of a special event motor vehicle auction, submit a report in the form approved**
23 **by the director to the department that includes the make, model, year, and vehicle**
24 **identification number of each vehicle included in the auction. Every vehicle included in**
25 **the special event auction shall be listed, including those vehicles that were auctioned and**
26 **sold and those vehicles that were auctioned but did not sell. Violation of this subsection**
27 **is a class A misdemeanor.**

28 **7. The applicant for the special event motor vehicle auction shall be responsible for**
29 **ensuring that a sales tax license or special event sales tax license is obtained for the event**
30 **if one is required.**

31 **8. The fee for a special event motor vehicle auction license shall be one thousand**
32 **dollars. For every vehicle auctioned in violation of subsection 6 of this section, an**
33 **administrative fee of five hundred dollars shall be paid to the department. Such fees shall**
34 **be deposited in like manner as other license fees of this section.**

35 **9. In addition to the causes set forth in section 301.562, the department may**
36 **promulgate rules that establish additional causes to refuse to issue or to revoke a special**
37 **event license.**

38 **10. A special motor vehicle auction shall last no more than three consecutive days.**

39 **11. The applicant for a special event motor vehicle auction shall be registered to**
40 **conduct business in this state.**

41 **12. Every applicant for a special event motor vehicle auction license shall furnish**
42 **with the application a corporate surety bond or an irrevocable letter of credit as defined**
43 **in section 400.5-102 issued by any state or federal financial institution in the penal sum of**
44 **one hundred thousand dollars on a form approved by the department. The bond or**
45 **irrevocable letter of credit shall be conditioned upon the applicant complying with the**
46 **provisions of the statutes applicable to a special event auction license holder and the bond**
47 **shall be an indemnity for any loss sustained by reason of the acts of the person bonded**
48 **when such acts constitute grounds for the revocation or denial of a special event auction**
49 **license. The bond shall be executed in the name of the state of Missouri for the benefit of**
50 **all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as**
51 **the beneficiary. The aggregate liability of the surety or financial institution to the**
52 **aggrieved parties shall not exceed the amount of the bond or irrevocable letter of credit.**
53 **The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the**
54 **department of a final judgment from a Missouri court of competent jurisdiction against**
55 **the principal and in favor of an aggrieved party.**

56 **13. No dealer, driveaway, auction, or wholesale plates, or temporary permit**
57 **booklets, shall be issued in conjunction with a special event motor vehicle auction license.**

58 **14. Any person or entity who sells a vehicle at a special event motor vehicle auction**
59 **shall provide, to the buyer, current contact information including, but not limited to, name,**
60 **address, and telephone number.**

61 **15. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
62 **created under the authority delegated in this section shall become effective only if it**
63 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**

64 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
65 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
66 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
67 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2012,**
68 **shall be invalid and void.**

302.132. 1. Any person at least fifteen and one-half years of age who, except for age or
2 lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a
3 motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340 may
4 apply, with the written consent of the parent or guardian of such person, for a temporary
5 motorcycle instruction permit to operate a motorcycle or motortricycle.

6 2. The director shall issue a temporary motorcycle instruction permit under this section
7 if the applicant has completed a motorcycle rider training course approved under sections
8 302.133 to 302.138 and is otherwise eligible for the temporary permit.

9 3. A person receiving a temporary motorcycle permit and having it in his **or her**
10 immediate possession shall be entitled to operate a motorcycle or motortricycle for a period of
11 **[six] three** months upon the highways of the state[, and persons under the age of sixteen shall
12 be subject to the following restrictions] . **An applicant issued a temporary motorcycle**
13 **instruction permit under this section may renew such permit two additional times, for a**
14 **total maximum period of nine months.**

15 4. **A person receiving a temporary motorcycle permit who is under the age of**
16 **sixteen shall be subject to the following restrictions:**

17 (1) The motorcycle or motortricycle may not have an engine with a displacement of
18 greater than two hundred fifty cubic centimeters;

19 (2) The operator shall not travel at any time from a half-hour after sunset to a half-hour
20 before sunrise;

21 (3) The operator shall not carry any passengers; and

22 (4) The operator shall not travel over fifty miles from the operator's home address.

23 5. **A person receiving a temporary motorcycle permit who is sixteen years of age**
24 **or older shall be subject to the following restrictions:**

25 (1) **The operator shall not travel at any time from a half-hour after sunset to a half-**
26 **hour before sunrise; and**

27 (2) **The operator shall not carry any passengers.**

302.302. 1. The director of revenue shall put into effect a point system for the
2 suspension and revocation of licenses. Points shall be assessed only after a conviction or
3 forfeiture of collateral. The initial point value is as follows:

4 (1) Any moving violation of a state

- 5 law or county or municipal or federal traffic
6 ordinance or regulation not listed in this
7 section, other than a violation of vehicle
8 equipment provisions or a court-ordered
9 supervision as provided in section 302.303..... 2 points
10 (except any violation of municipal stop sign
11 ordinance where no accident is involved..... 1 point)
12 (2) Speeding
13 In violation of a state law..... 3 points
14 In violation of a county or
15 municipal ordinance..... 2 points
16 (3) Leaving the scene of an accident
17 in violation of section 577.060..... 12 points
18 In violation of any county or
19 municipal ordinance..... 6 points
20 (4) Careless and imprudent driving in
21 violation of subsection 4 of section 304.016..... 4 points
22 In violation of a county or municipal ordinance..... 2 points
23 (5) Operating without a valid license
24 in violation of subdivision (1) or (2) of
25 subsection 1 of section 302.020:
26 (a) For the first conviction..... 2 points
27 (b) For the second conviction..... 4 points
28 (c) For the third conviction..... 6 points
29 (6) Operating with a suspended or
30 revoked license prior to restoration of
31 operating privileges..... 12 points
32 (7) Obtaining a license by
33 misrepresentation..... 12 points
34 (8) For the first conviction of
35 driving while in an intoxicated condition
36 or under the influence of controlled
37 substances or drugs..... 8 points
38 (9) For the second or subsequent
39 conviction of any of the following offenses
40 however combined: driving while in an

41 intoxicated condition, driving under the
42 influence of controlled substances or drugs
43 or driving with a blood alcohol content of
44 eight-hundredths of one percent or more by
45 weight..... 12 points

46 (10) For the first conviction for
47 driving with blood alcohol content
48 eight-hundredths of one percent or more by
49 weight In violation of state law. 8 points

50 In violation of a county or municipal
51 ordinance or federal law or regulation. 8 points

52 (11) Any felony involving the use
53 of a motor vehicle. 12 points

54 (12) Knowingly permitting unlicensed
55 operator to operate a motor vehicle. 4 points

56 (13) For a conviction for failure to
57 maintain financial responsibility pursuant to
58 county or municipal ordinance or pursuant to
59 section 303.025. 4 points

60 (14) Endangerment of a highway worker
61 in violation of section 304.585..... 4 points

62 (15) Aggravated endangerment of a
63 highway worker in violation of section 304.585. 12 points

64 (16) For a conviction of violating a municipal ordinance that
65 prohibits tow truck operators from stopping at or proceeding to the scene
66 of an accident unless they have been requested to stop or proceed to such
67 scene by a party involved in such accident or by an officer of a public
68 safety agency. 4 points

69 **(17) Endangerment of an emergency**
70 **responder in violation of section 304.894..... 4 points**

71 **(18) Aggravated endangerment of**
72 **an emergency responder in violation of**
73 **section 304.894. 12 points**

74 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
75 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section

76 302.020, when the director issues such operator a license or permit pursuant to the provisions
77 of sections 302.010 to 302.340.

78 3. An additional two points shall be assessed when personal injury or property damage
79 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
80 found to be warranted and certified by the reporting court.

81 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
82 section constitutes both a violation of a state law and a violation of a county or municipal
83 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
84 offense arising out of the same occurrence could be construed to be a violation of subdivisions
85 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
86 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
87 offenses arising out of the same occurrence.

88 5. The director of revenue shall put into effect a system for staying the assessment of
89 points against an operator. The system shall provide that the satisfactory completion of a
90 driver-improvement program or, in the case of violations committed while operating a
91 motorcycle, a motorcycle-rider training course approved by the state highways and transportation
92 commission, by an operator, when so ordered and verified by any court having jurisdiction over
93 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
94 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation
95 committed by an individual who has been issued a commercial driver's license or is required to
96 obtain a commercial driver's license in this state or any other state, shall be accepted by the
97 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)
98 of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a
99 centralized violation bureau established under section 476.385 may elect to have the bureau order
100 and verify completion of a driver-improvement program or motorcycle-rider training course as
101 prescribed by order of the court. For the purposes of this subsection, the driver-improvement
102 program shall meet or exceed the standards of the National Safety Council's eight-hour
103 "Defensive Driving Course" or, in the case of a violation which occurred during the operation
104 of a motorcycle, the program shall meet the standards established by the state highways and
105 transportation commission pursuant to sections 302.133 to 302.137. The completion of a
106 driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu
107 of points more than one time in any thirty-six-month period and shall be completed within sixty
108 days of the date of conviction in order to be accepted in lieu of the assessment of points. Every
109 court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days
110 after completion of the driver-improvement program or motorcycle-rider training course by an
111 operator, forward a record of the completion to the director, all other provisions of the law to the

112 contrary notwithstanding. The director shall establish procedures for record keeping and the
113 administration of this subsection.

302.800. 1. For purposes of this section, the following terms mean:

- 2 **(1) "Department", the department of revenue;**
- 3 **(2) "Director", the director of the department of revenue;**
- 4 **(3) "Emergency responder", a municipal, county, or state law enforcement officer**
5 **or firefighter, or other person who has been trained to provide emergency medical first**
6 **response services;**
- 7 **(4) "Program participant", an individual who has completed a health information**
8 **card that includes health and emergency contact information, and affixed the decal**
9 **provided by the department of revenue under this section to the individual's motor vehicle.**

10 **2. There is hereby established a "Missouri Yellow Dot Program" in the department**
11 **of revenue. The purpose of the program is to provide emergency responders with critical**
12 **health and emergency contact information about program participants so emergency**
13 **responders may aid program participants when those individuals are involved in motor**
14 **vehicle emergencies or accidents and are unable to communicate.**

15 **3. The department of revenue shall design Missouri yellow dot program materials,**
16 **giving consideration to the program materials used by other states in similar programs.**
17 **Program materials shall include, but shall not be limited to:**

- 18 **(1) A yellow decal of a size and design to be determined by the department which**
19 **shall be affixed to the rear driver's side window of the program participant's vehicle;**
- 20 **(2) A health information card which provides space for an individual to attach a**
21 **recent photograph and indicate the individual's name, emergency contact information,**
22 **physician's names and contact information, medical conditions, recent surgeries, allergies,**
23 **medications, and any other information the director deems relevant to emergency**
24 **responders in the case of emergency;**
- 25 **(3) A yellow envelope of a size and design to be determined by the director into**
26 **which the health information card established under this subsection is to be inserted and**
27 **placed into the program participant's glove compartment; and**
- 28 **(4) A program instruction sheet including an electronic mail address required**
29 **under subsection 4 of this section.**

30 **4. The department shall establish an electronic mail mechanism through which**
31 **persons may ask questions about the program and receive assistance in completing the**
32 **health information card.**

33 **5. The department shall provide sufficient program materials to other state**
34 **departments or agencies seeking to distribute or make program materials available to**
35 **interested persons.**

36 **6. The director shall notify the state highway patrol regarding the implementation**
37 **of the Missouri yellow dot program so that all emergency responders are informed about**
38 **the program.**

39 **7. The department may charge an individual seeking to participate in the program**
40 **a nominal fee to cover the administrative cost of the program.**

41 **8. The department shall make Missouri yellow dot program materials available for**
42 **pick up by any interested person at any driver's license office and shall provide for an**
43 **online means through which individuals can request the materials required to participate**
44 **in the program. Any other state department or agency may make the program materials**
45 **available for distribution to, or pick up by, any interested person.**

46 **9. The department shall develop and undertake a public education campaign to**
47 **inform the public about the program established in this section.**

48 **10. The director may promulgate all necessary rules and regulations for the**
49 **administration of this section. Any rule or portion of a rule, as that term is defined in**
50 **section 536.010, that is created under the authority delegated in this section shall become**
51 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
52 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
53 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
54 **the effective date, or to disapprove and annul a rule are subsequently held**
55 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
56 **after August 28, 2012, shall be invalid and void.**

57 **11. Under section 23.253 of the Missouri sunset act:**

58 **(1) The provisions of the new program authorized under this section shall**
59 **automatically sunset six years after the effective date of this section unless reauthorized by**
60 **an act of the general assembly; and**

61 **(2) If such program is reauthorized, the program authorized under this section**
62 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
63 **section; and**

64 **(3) This section shall terminate on September first of the calendar year immediately**
65 **following the calendar year in which the program authorized under this section is sunset.**

304.890. As used in sections 304.890 to 304.894, the following terms shall mean:

2 (1) "Active emergency", any incident occurring on a highway, as the term
3 "highway" is defined in section 302.010, that requires emergency services from any
4 emergency responder;

5 (2) "Active emergency zone", any area upon or around any highway, which is
6 visibly marked by emergency responders performing work for the purpose of emergency
7 response, and where an active emergency, or incident removal, is temporarily occurring.
8 This area includes the lanes of highway leading up to an active emergency or incident
9 removal, beginning within three hundred feet of visual sighting of:

10 (a) Appropriate signs or traffic control devices posted or placed by emergency
11 responders; or

12 (b) An emergency vehicle displaying active emergency lights or signals;

13 (3) "Emergency responder", any law enforcement officer, paid or volunteer
14 firefighter, first responder, emergency medical worker, tow truck operator, or other
15 emergency personnel responding to an emergency on a highway.

304.892. 1. Upon the first conviction, finding of guilt, or plea of guilty by any
2 person for a moving violation, as the term "moving violation" is defined in section 302.010,
3 or any offense listed in section 302.302, other than a violation described in subsection 2 of
4 this section, when the violation or offense occurs within an active emergency zone, the
5 court shall assess a fine of thirty-five dollars in addition to any other fine authorized by
6 law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court
7 shall assess a fine of seventy-five dollars in addition to any other fine authorized by law.

8 2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a
9 speeding violation under either section 304.009 or 304.010, or a passing violation under
10 subsection 3 of this section, when the violation or offense occurs within an active
11 emergency zone and emergency responders were present in such zone at the time of the
12 offense or violation, the court shall assess a fine of two hundred fifty dollars in addition to
13 any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt,
14 or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any
15 other fine authorized by law. However, no person assessed an additional fine under this
16 subsection shall also be assessed an additional fine under subsection 1 of this section.

17 3. The driver of a motor vehicle may not overtake or pass another motor vehicle
18 within an active emergency zone. Violation of this subsection is a class C misdemeanor.

19 4. The additional fines imposed by this section shall not be construed to enhance
20 the assessment of court costs or the assessment of points under section 302.302.

304.894. 1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone:

(1) Exceeding the posted speed limit by fifteen miles per hour or more;

(2) Passing in violation of subsection 3 of section 304.892;

(3) Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;

(4) Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone;

(5) Physically assaulting, attempting to assault, or threatening to assault an emergency responder with a motor vehicle or other instrument;

(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect emergency responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person; or

(7) Committing any of the following offenses for which points may be assessed under section 302.302:

(a) Leaving the scene of an accident in violation of section 577.060;

(b) Careless and imprudent driving in violation of subsection 4 of section 304.016;

(c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020;

(d) Operating with a suspended or revoked license;

(e) Driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content;

(f) Any felony involving the use of a motor vehicle.

2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of an emergency responder under subsection 1 of this section, if no injury or death to an emergency responder resulted from the offense, the court shall assess a fine of not more than one thousand dollars, and four points shall be assessed to the operator's license pursuant to section 302.302.

3. A person commits the offense of aggravated endangerment of an emergency responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when such offense results in the injury or death of an emergency responder.

36 **Upon a finding of guilt or a plea of guilty for committing the offense of aggravated**
37 **endangerment of an emergency responder, in addition to any other penalty authorized by**
38 **law, the court shall assess a fine of not more than five thousand dollars if the offense**
39 **resulted in injury to an emergency responder, and ten thousand dollars if the offense**
40 **resulted in the death of an emergency responder. In addition, twelve points shall be**
41 **assessed to the operator's license pursuant to section 302.302.**

42 **4. Except for the offense established under subdivision (6) of subsection 1 of this**
43 **section, no person shall be deemed to have committed the offense of endangerment of an**
44 **emergency responder except when the act or omission constituting the offense occurred**
45 **when one or more emergency responders were responding to an active emergency.**

46 **5. No person shall be cited for, or found guilty of, endangerment of an emergency**
47 **responder or aggravated endangerment of an emergency responder, for any act or**
48 **omission otherwise constituting an offense under subsection 1 of this section, if such act or**
49 **omission resulted in whole or in part from mechanical failure of the person's vehicle, or**
50 **from the negligence of another person or emergency responder.**

390.020. As used in this chapter, unless the context clearly requires otherwise, the words
2 and terms mean:

3 (1) "Agricultural commodities in bulk", commodities conforming to the meaning of
4 "commodities in bulk" as defined in this section, which are agricultural, horticultural, viticultural
5 or forest products or any other products which are grown or produced on a farm or in a forest,
6 and which have not undergone processing at any time since movement from the farm or forest,
7 or processed or unprocessed grain, feed, feed ingredients, or forest products;

8 (2) "Certificate", a written document authorizing a common carrier to engage in
9 intrastate commerce and issued under the provisions of this chapter;

10 (3) "Charter service", the transportation of a group of persons who, pursuant to a
11 common purpose and at a fixed charge for the vehicle, have acquired the exclusive use of a
12 passenger-carrying motor vehicle to travel together as a group from a point of origin to a
13 specified destination or for a particular itinerary, either agreed upon in advance or modified by
14 the chartering group after having left the place of origin;

15 (4) "Commercial zone", unless otherwise increased pursuant to the provisions of
16 subdivision (4) of section 390.041, any municipality within this state together with that territory
17 either within or without the state of Missouri, extending one mile beyond the corporate limits of
18 such municipality and one additional mile for each fifty thousand inhabitants or portion thereof;
19 however, any commercial zone of a city not within a county shall extend eighteen miles beyond

20 that city's corporate limits and shall also extend throughout any first class charter county which
21 adjoins that zone;

22 (5) "Commodities in bulk", commodities, which are fungible, flowable, capable of being
23 poured or dumped, tendered for transportation unpackaged, incapable of being counted, but are
24 weighed or measured by volume and which conform to the shape of the vehicle transporting
25 them;

26 (6) "Common carrier", any person [which holds itself out to the general public to engage]
27 **who engages** in the transportation by motor vehicle of passengers or property for hire or
28 compensation upon the public highways and airlines engaged in intrastate commerce;

29 (7) "Contract carrier", any person under individual contracts or agreements which engage
30 in transportation by motor vehicles of passenger or property for hire or compensation upon the
31 public highways;

32 (8) "Corporate family", a group of corporations consisting of a parent corporation and
33 all subsidiaries in which the parent corporation owns directly or indirectly a one hundred percent
34 interest;

35 (9) "Division", the division of motor carrier and railroad safety of the department of
36 transportation;

37 (10) "Driveaway operator":

38 (a) Any motor carrier who moves any commercial motor vehicle or assembled
39 automobile singly under its own power or in any other combination of two or more vehicles
40 under the power of one of said vehicles upon any public highway for the purpose of delivery for
41 sale or for delivery either before or after sale;

42 (b) A person engaged in the business of furnishing drivers and operators for the purpose
43 of transporting vehicles in transit from one place to another by the driveaway or towaway
44 methods; or

45 (c) A person who is lawfully engaged in the business of transporting or delivering
46 vehicles that are not the person's own and vehicles of a type otherwise required to be registered,
47 by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or
48 from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee
49 designated by the shipper or consignor;

50 (11) "Dump truck", any open-top vehicle, including dump trailers, and those trailers
51 commonly referred to as hopper trailers and/or belly dump trailers, that discharges its load by
52 tipping or opening the body in such a manner that the load is ejected or dumped by gravity but
53 does not include tank or other closed-top vehicles, or vehicles that discharge cargo by means of
54 an auger, conveyor belt, air pressure, pump or other mechanical means;

55 (12) "Household goods", personal effects and property used or to be used in a dwelling
56 when a part of the equipment or supply of such dwelling; new or used furniture; store or office
57 furniture or fixtures; equipment of museums, institutions, hospitals and other establishments; and
58 articles, which because of their unusual nature or value require specialized handling and
59 equipment usually employed in moving household goods;

60 (13) "Interstate commerce", commerce between a point in this state and a point outside
61 this state, or between points outside this state when such commerce moves through this state
62 whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly
63 by any other regulated means of transportation where the commodity does not come to rest or
64 change its identity during the movement;

65 (14) "Intrastate commerce", commerce moving wholly between points within this state,
66 whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly
67 by any other means of transportation;

68 (15) "Irregular route", the course or line of travel to be used by a motor carrier's vehicle
69 when not restricted to any specific route or routes within the area the motor carrier is authorized
70 to serve;

71 (16) "Less-than-truckload lots", lots of freight, other than a truckload lot, being
72 transported on the motor vehicle at one time;

73 (17) "Mobile home", house trailers, cabin trailers, bungalow trailers, mobile homes and
74 any other transportable building unit designed to be used for residential, commercial, industrial
75 or recreational purposes, including special equipment, wheels, tires, axles, springs, racks,
76 undercarriages and undersupports used or useful in connection with the transportation of mobile
77 homes when transported as part of the transportation of mobile homes;

78 (18) "Motor carrier", any person engaged in the transportation of property or passengers,
79 or both, for compensation or hire, over the public roads of this state by motor vehicle. The term
80 includes both common and contract carriers;

81 (19) "Motor vehicle", any vehicle, truck, truck-tractor, trailer, or semitrailer, motor bus
82 or any self-propelled vehicle used upon the highways of the state in the transportation of property
83 or passengers;

84 (20) "Party", any person admitted as a party to a division proceeding or seeking and
85 entitled as a matter of right to admission to a division proceeding;

86 (21) "Permit", a permit issued under the provisions of this chapter to a contract carrier
87 to engage in intrastate or interstate commerce or to a common carrier to engage in interstate
88 commerce;

89 (22) "Person", any individual or other legal entity, whether such entity is a
90 proprietorship, partnership, corporation, company, association or joint-stock association,
91 including the partners, officers, employees, and agents of the person, as well as any trustees,
92 assignees, receivers, or personal representatives of the person;

93 (23) "Private carrier", any person engaged in the transportation of property or passengers
94 by motor vehicle upon public highways, but not as a common or contract carrier by motor
95 vehicle; and includes any person who transports property by motor vehicle where such
96 transportation is incidental to or in furtherance of his commercial enterprises;

97 (24) "Public highway", every public street, road, highway or thoroughfare of any kind
98 used by the public, whether actually dedicated to the public;

99 (25) "Regular route", a specific and determined course to be traveled by a motor carrier's
100 vehicle rendering service to, from or between various points or localities in this state;

101 (26) "School bus", any motor vehicle while being used solely to transport students to or
102 from school or to transport students to or from any place for educational purposes or school
103 purposes;

104 (27) "Taxicab", any motor vehicle performing a bona fide for-hire taxicab service having
105 a capacity of not more than five passengers, exclusive of the driver, and not operated on a regular
106 route or between fixed termini;

107 (28) "Truckload lot", a lot or lots of freight tendered to a carrier by one consignor or one
108 consignee for delivery at the direction of the consignor or consignee with the lot or lots being the
109 only lot or lots transported on the motor vehicle at any one time.

 Section B. The repeal and reenactment of sections 136.055, 301.130, 301.140, 301.160,
2 301.290, 301.300, 301.301, and 301.302 of this act shall become effective January 1, 2013.

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